

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31071 of 2012

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Sagar Sah S/o Late Anandi Sah Resident of village Chak Murtaja Pagra P.S.
Dalsing Sarai Distt. Samstipur

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, App

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6 20-02-2015

No one appears on behalf of the Opposite Party no. 2.

The petitioner seeks quashing of the order of cognizance dated 09.06.2010 passed by the S.D.J.M, Dalsing Sarai in Cr. No. 576 of 2009 in Cr. No. 576 of 2009 T.R. No. 1475 of 2011.

The case of the complainant is that the petitioner had taken Rs. 10,000/- as loan from her husband with a promise to return the same within a month. However, he did not do so. When she demanded the money, the accused persons came to her door and assaulted the complainant and her daughter and took away gold Jewellery.

It has been submitted on behalf of the petitioner that earlier the wife of the petitioner had filed Complaint Case No. 567 of 2009 dated 15.12.2009 against the present complainant which was transferred to the Gram Kachahari where she was found

guilty.

The narrative of the complaint petition appears highly improbable specially when there is a counter version of the same given earlier.

Considering such aspect of the matter the application stands allowed. The order of cognizance dated 09.06.2010 passed by the S.D.J.M, Dalsing Sarai in Cr. No. 576 of 2009 in Cr. No. 576 of 2009, T.R. No. 1475 of 2011 is hereby set aside.

(Anjana Prakash, J)

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