

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28718 of 2011

Arising Out of PS.Case No. -58 Year- 2010 Thana -null District- BEGUSARAI

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1. Rakesh Kumar Singh @ Parmanand Singh, son of Late Bhola Singh
2. Balram Kumar, son of Bishundeo Prasad Singh
Both Residing At Veena Place, Kapasiya, Ward No.- 5, P.S-Town Thana,
Begusarai, Dist-Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ram Lakhan Prasad, son of Ghuis Ram, r/o Vill- Nandpur, P.S- Brahampur,
Dist-Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha, Adv.
For the State : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-03-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of
cognizance dated 17.2.2011 passed by the Chief Judicial Magistrate,
Begusarai, in Begusarai S.C./S.T. P.S. Case No. 58 of 2010.

The case of the Informant is that he was the District
Telecommunication Manager, B.S.N.L. Begusarai and on the date of
occurrence, he was holding a meeting with regard to the development
in his Chambers. At about 3.00 P.M., the accused persons entered into
his Chambers and asked him to pass a bill and extend the time of
tender. When he refused, they abused him taking his caste name.

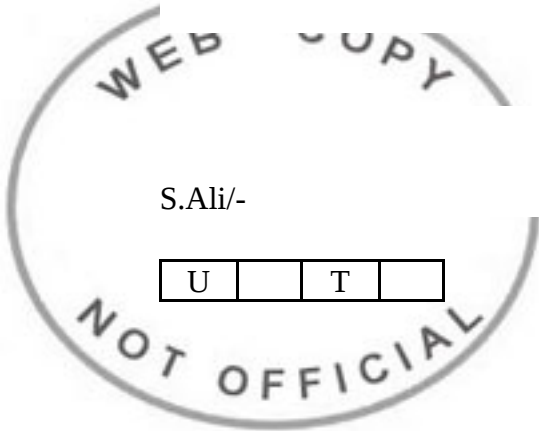
Several efforts have been taken to notice the Informant but to no avail.

The First Information Report is unduly delayed by 70 hours. Submission is that the fact of the matter is that the Informant had demanded 30 per cent commission from the Petitioner Rakesh Kumar Singh for construction of tower which he refused to pay. Then the Informant threatened him at which Rakesh Kumar Singh filed an Information Case No. 2143 of 2010 before the Chief Judicial Magistrate, Begusarai, on 23.3.2010. When the Informant learnt about this information, the present Complaint was lodged. Also one Jai Mala Devi on 5.3.2010 had filed a Complaint Case No. 442 (C) of 2010 against the Informant in which the brother of the Petitioner No. 1 i.e. Bipin Kumar Singh was a witness. Cognizance has been taken in the case by an order dated 3.6.2011 by the Chief Judicial Magistrate, Begusarai. Since it is in this background that the present case has been filed with trumped up charges, it should be set aside.

Having considered the background facts mentioned, I would be inclined to agree that the present First Information appears to have been filed for ulterior purposes and deserves to be dropped.

Hence, the application is allowed and the entire Proceeding including the order of cognizance dated 17.2.2011 passed by the Chief Judicial Magistrate, Begusarai, in Begusarai S.C./S.T.

P.S. Case No. 58 of 2010 is, hereby set aside.



(Anjana Prakash, J)