

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 34222 of 2009

Arising out of P.S. Case No. -681 Year- 2008 Thana –
Complaint Case District- GAYA

- =====
1. Md. Ashraf Ali, Son of Late Liyakat Ali, Revenue Karamchari, Circle Office, Konch, Circle, P.S.-Konch, District-Gaya.
 2. Surendra Prasad Singh @ Surendra Prasad, Son of Late Biphan Prasad Singh, Karamchari Konch, Circle Office, P.S.-Konch, District-Gaya.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Ram Bilash Yadav, Son of Late Ram Chandra Yadav, Resident of Village-Tarari Tola Gopalpur, P.S.-Konch, District-Gaya.
- Opposite Party/s

with

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Criminal Miscellaneous No. 25717 of 2009

Arising out of P.S. Case No. -681 Year- 2008 Thana –
Complaint Case District- GAYA

- =====
1. Zeera Devi, Wife of Ram Keshwar Yadav.
 2. Ram Keshwar Yadav, Son of Late Tukdhari Yadav.
 3. Naresh Yadav, Son of Ram Keshwar Yadav.
 4. Ganesh Yadav, Son of Ram Keshwar Yadav.
 5. Yogesh Yadav, Son of Ram Keshwar Yadav.
- All are resident of Village-Tarari Tola Gopalpur, P.S.-Konch, District-Gaya, at present P.N.H. residing at Purnea Bazar Temple Road, P.S.-Bank More, District-Dhanbad..... Petitioner/s

Versus

1. The State of Bihar.
 2. Ram Bilash Yadav, Son of Late Ram Chandra Yadav, Resident of Village-Tarari Tola Gopalpur, P.S.-Konch, District-Gaya.
- Opposite Party/s

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Appearance :

(In Cr.Misc. No. 34222 of 2009)

For the Petitioner/s : Mr. S. K. Yadav, Adv.

For the Opposite Party/s No. 2: Mr. Sajid Salim Khan, Adv.

For the State : Mr. Upendra Kumar, APP.

(In Cr.Misc. No. 25717 of 2009)

For the Petitioner/s : Mr. S. K. Yadav, Adv.

For the Opposite Party/s: Mr. Sajid Salim Khan, Adv.

For the State : Mr. C. Jawahar, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-12-2015

The Petitioners seek quashing of the order of
cognizance dated 09.06.2008 passed by the Judicial

Magistrate, 1st Class, Gaya in Complaint Case No. 681 of 2008/1543 of 2008.

The case of the Complainant is that the accused persons interpolated some documents and filed for mutation of the land which she claimed.

It has been submitted that the entire case is based on speculation and there is not a chit of paper in support of the allegations.

On the other hand, Counsel for the Complainant submits that the accused persons have claimed their title even in a Title Suit but concedes the present Complaint is with regard to a different piece of land.

Having considered the vague nature of allegations, the entire proceeding as against all the accused persons including the order of cognizance dated 09.06.2008 passed by the Judicial Magistrate, 1st Class, Gaya in Complaint Case No. 681 of 2008/1543 of 2008 is, hereby, set aside without prejudice to the right of the parties.

The Applications stand allowed.

(Anjana Prakash, J.)

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