

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33228 of 2012

Arising Out of PS.Case No. -994 Year- 2011 Thana -null District- NALANDA (BIHARSHARIFF)

- =====
1. Kedar Prasad @ Rabindra Prasad S/O Late Kunj Bihari Mahto
 2. Gariban Prasad S/O Kedar Prasad, both Resident Of Village- Mai, Police Station- Hilsa, District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-04-2015

No one appears on behalf of the Complainant on the second consecutive date.

The Petitioners seek quashing of the order of cognizance dated 2.6.2012 passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda in Complaint case No.994C of 2011.

The case of the Complainant is that on the date of occurrence 4-5 unknown persons and the Petitioners surrounded him and on the point of pistol committed theft and also assaulted him with fists and slaps.

It has been submitted on behalf of the Petitioners that fact of the matter is that the present Complaint is a counter blast to the case instituted by the Petitioner No.1 vide Complaint case No.942C of

2011 on 23.11.2011 for the same occurrence.

It appears that both the cases are minor in nature, which deserve to be set aside.

In view of such, the proceeding including the order of cognizance dated 2.6.2012 passed by the Additional Chief Judicial Magistrate, Hilsa in Complaint case No.994C of 2011 is hereby set aside. Also the proceeding of Complaint case No.942C of 2011 pending in the court of Additional Chief Judicial Magistrate, Hilsa, Nalanda is hereby set aside.

The application stands allowed with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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