

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44122 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- BEGUSARAI

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1. Rajiv Nayan Kumar Singh @ Rajiv Nayan Singh S/O Late Balo Mahto Resident
Of Village- Lohia Nagar, Ward No.- 25, P.S.- Begusarai Town, District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. Upendra Singh S/O Late Ramji Singh Resident Of Village- Koriy, P.S.-
Muffasil, District- Begusarai, At Present Residing At Lohia Nagar, P.S.- Begusarai
Town, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-03-2015

The petitioner seeks quashing of the order dated 04.02.2011 passed in Complaint Case No. 555C of 2010 whereby the Judicial Magistrate 1st Class, Begusarai has taken cognizance against the petitioner under Sections 323, 379 and 504 of the Indian Penal Code.

The case of the complainant is that while he was going to sleep in the house of his master Braj Kishore Prasad Singh, the petitioner along with ten unknown persons came and stolen away bamboos and stone chips and when he opposed such an act, they assaulted him with fists and slaps.

It has been submitted on behalf of the petitioner that

evidently the complainant has been set up by Braj Kishore Prasad Singh with whom the petitioner is in litigation. The petitioner is absolute owner of the land in question which is supported by the Circle Officer, Begusari in Mutation Case No. 4607 of 2007-08.

On the other hand, notices have been issued to the Opposite Party no. 2 but none appeared in his behalf.

From the fact of the complaint as well as background facts, I would be inclined to agree with the submissions raised on behalf of the petitioner. Hence, the application is allowed so far as the petitioner is concerned. The order dated 04.02.2011 passed in Complaint Case No. 555C of 2010 whereby the Judicial Magistrate 1st Class, Begusarai has taken cognizance, is hereby quashed.

Prakash/-

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(Anjana Prakash, J)