

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9639 of 2010

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

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1. Sayeed Anwar, son of Tamizuddin
 2. Nizamuddin, son of Yakub
 3. Atikur Rahman, son of Kazi Shahabuddin
- All resident of village Tegharia, P.S. Kochadhaman, Distt. Kishanganj.
4. Maulvi Arif, son of Yusuf, resident of village Gangi, P.S. Bahadurganj, Distt. Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Imam Ali, son of Lal Ali, resident of village Teharia, P.S. Kocha Dhaman, Distt. Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh, Adv.

For the State : Mr. Dinesh Singh, A.P.P.

For the Opposite Party No. 2: Mr. Raj Kumar, Adv.

Mr. Sudhanshu Shekhar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 15.6.2009 passed by the Sub Divisional Judicial Magistrate, Kishanganj, in Complaint case No. 757 of 2008.

The case of the Complainant is that the accused persons in collusion with each other started to constitute a new committee of Madarsa even though they were not entitled to do so. They also created false documents in regard to the appointment of some school teachers.

Having gone through the Complaint petition, I have no manner of doubt that no ingredients of Criminal offence is made out and it appears the Complaint has been filed by a rival member of the school committee having animosity with the other group.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 15.6.2009 passed by the Sub Divisional Judicial Magistrate, Kishanganj, in Complaint case No. 757 of 2008, is hereby, set aside.

(Anjana Prakash, J)

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