

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No. 49983 of 2012**

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

Abhay Kumar son of late Sheo Sharan Prasad.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Punam devi wife of Sri Kundan Paswan.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 24-11-2015**

No one appears on behalf of the petitioner.

The petitioner seeks quashing of the order of cognizance dated 21.04.2012 passed by the Chief Judicial Magistrate, Gaya in S.C/S.T Gaya P.S. Case No. 11 of 2005.

The case of the informant is that her husband Kundan Paswan was working as a Manager at Kachanpur Brick Klin, Belaganj Gaya under Gram Nirman Mandal Khadi Gramodyog Samiti who became traceless since 06.07.2004. Whenever the informant contacted at the head office she was mislead and finally she was abused by taking caste name and threatened by the petitioner who also demanded ransom.

It has been submitted on behalf of the petitioner that during investigation it transpired that husband of the informant had

defalcated huge amount for which reason a case was instituted against him vide Belaganj P.S Case No. 99 of 2005. It is only to skin himself from the liability incurred, the present complaint was got instituted through his wife.

The case diary was called for. It appears that the witnesses have stated that indeed the husband of the informant had defalcated huge amount of money from the government scheme and later disappeared.

Considering such aspect of the matter the application is allowed and the order of cognizance dated 21.04.2012 passed by the Chief Judicial Magistrate, Gaya in S.C/S.T Gaya P.S. Case No. 11 of 2005, is hereby set aside.

**(Anjana Prakash, J)**

Prakash/-

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