

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37927 of 2011

Arising Out of PS.Case No. -2364 Year- 2010 Thana -null District- PATNA

- =====
1. Umesh Kumar Singh S/O Late Ram Sharan Singh
 2. Suraj Kumar @ Banti S/O Sri Umesh Kumar Singh
 3. Rajiv Kumar @ Dablu S/O Sri Umesh Kumar Singh, all Resident At Road No. 6, P.S. Jakanpur, Dist./Town Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shishir Kumar S/O Sri Rajendra Thakur Resident At Road No. 6 Of Mohulla Jakanpur, Dist./Town Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Sharma, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP
For Opposite Party No.2 : None

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-02-2015

The Petitioners seek quashing of the order of cognizance dated 9.5.2011 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2364C of 2010.

The case of the Complainant is that on 25.8.2010 while he was going to work on his lands, the accused persons stopped and started abusing him. They also threatened him to stop the work otherwise he would have to face dire consequences. When he fell down, his sister came there but she was also assaulted.

It has been submitted that fact of the matter is that Petitioner No.1 had filed a case against the Complainant earlier and it

is thereafter the present Complaint was filed in order to screen themselves from the liability of prosecution. The Sessions Trial with regard to the said occurrence is pending. So far the Petitioners are concerned they are law abiding citizens being posted as Government servants in various capacities and it is highly unlikely that they would commit such an act.

Notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the facts of the Complaint, in my opinion the allegations appear to be trumped up and frivolous.

Hence, the application is allowed and the proceeding including the order of cognizance dated 9.5.2011 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.2364C of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--