

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25803 of 2010

Arising Out of Complaint Case No.1011 Year- 2007 District- MADHUBANI

1. Lal Kumar Yadav @ Lalan Kumar, son of late Harilal Yadav

2. Sandesha, wife of Lal Kumar Yadav

Both resident of village Harilal Yadav, P.S. Uda Kishanganj, Distt. Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

2. Binod Kumar, son of Shivnandan Yadav, resident of village Haraili, P.S. Uda Kishanganj, Distt. Madhepura.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amish Kumar, Adv.

For the State : Mr. U. Chand Pd., A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-08-2015

Heard learned counsel for the Petitioner and the State.

No one appears on behalf of the Opposite Party No. 2.

The Petitioners seek quashing of the order dated 13.4.2010 passed in Criminal Revision No. 110 of 2008 by which the Sessions Judge, Madhepura, has set aside the order dated 5.8.2008 passed by the Court below in Complaint Case No. 1011 of 2007 and remitted the matter for a fresh adjudication.

The case of the Complainant is that some persons had been wrongly appointed by the Committee governing appointment of Shiksha Mitra.

The submission of the Petitioners is that the present Complainant is a witness in an earlier Complaint i.e. Complaint Case

No. 151 of 2009 which was instituted for the same cause of action. It appears that the Petitioner No. 1 had contested against the wife of the present Complaint.

Since the allegations are merely oral I would be of the opinion that the same should not proceed.

Hence, the application is allowed and the order dated 13.4.2010 passed in Criminal Revision No. 110 of 2008 by the Sessions Judge, Madhepura, as also the order dated 5.8.2008 passed by the Court below in Complaint Case No. 1011 of 2007 are hereby set aside.

(Anjana Prakash, J)

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