

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13220 of 2010

Arising Out of PS.Case No. 1428 Year- 2009 Thana -null District- BHABHUA (KAIMUR)

- =====
1. Sangram Singh Son Of Late Maigar Singh
 2. Amir Singh Son Of Late Maigar Singh
 3. Kalika Singh Son Of Late Maigar Singh
 4. Lalita Singh Son Of Late Maigar Singh
 5. Rajani Kant Singh @ Faltu Singh Son Of Amir Singh, Resident Of Village - Chhewari, P.S. - Ramgarh, District - Kaimur At Bhabua.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Madan Pandey Son Of Late Ram Niwas Pandey Resident Of Village - Chhewari, P.S. - Ramgarh, District - Kaimur At Bhabua.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Amrendra Pd., APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

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

The Petitioners seek quashing of the order of cognizance dated 19.1.2010 passed by the Judicial Magistrate, Kaimur at Bhabua in Complaint case No.1428 of 2009 (Trial No.1120 of 2010).

The case of the Complainant is that on the date of occurrence he found that his paddy had been stolen away. When he confronted the accused, they attempted to assault him as also committed theft of his personal property.

It has been submitted on behalf of the Petitioners that in fact the land was theirs and it had been decided in the consolidation

proceeding and hence no offence under Section 379 I.P.C. would be made out in such facts.

Having considered the aforesaid facts, the application is allowed and the order of cognizance dated 19.1.2010 passed by the Judicial Magistrate, Kaimur at Bhabua in Complaint case No.1428 of 2009 (Trial No.1120 of 2010) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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