

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

**Criminal Miscellaneous No.110 of 2012**

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

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1. Balmiki Mahto, S/O Late Dukhan Mahto,
  2. Ram Ratan Mahto @ Ram Ratan Chaurasiya, S/O Balmiki Mahto,
  3. Manikant Mahto @ Manikant Chaurasiya S/O Balmiki Mahto,
  4. Krishna Mohan @ Krishna Mohan Chaurasiya, S/O Balmiki Mahto, all resident of village- Ratanpur, P.S.- Surajgarha, District- Lakhisarai

.... .... Petitioner/s

Versus

1. The State of Bihar,
2. Ram Nath Chaurasia, son of late Baldeo Chaurasia, r/o village- Desari, P.S.- Bibhuitpur, District- Samastipur.

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

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**Appearance :**

For the Petitioner/s : Mr. Ravi Bhushan, Advocate

For the Opposite Party/s : APP

Mr. Nagendra Kumar Singh, Advocate

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

**ORAL JUDGMENT**

**Date: 05-02-2015**

1. No one appears on behalf of the Opposite Party

No.2.

2. The Petitioners seek quashing of the order of cognizance dated 25.08.2011 passed in Complaint Case No.421 of 2011 by the Judicial Magistrate, 1<sup>st</sup> class, Rosera.

3. The case of the Complainant is that he had got married to Monika Devi in the year 2001 and out of the wedlock two children were born. However, some differences arose between the parties on account of which she stopped living in his house. Later the accused persons started pressurizing him to execute certain land and

when he refused he was made to sign on blank papers. The accused also committed theft of his personal property.

4. It has been submitted on behalf of the Petitioners that fact of the matter is that daughter of the Petitioner No.1 and sister of Petitioner Nos. 2, 3 and 4 filed a matrimonial case against her husband on 31.03.2011 and it is in retaliation that the present Complaint Petition was filed on 09.06.2011 with absurd allegation.

5. On going through the Complaint Petition and the background facts, I would be inclined to agree with the submission raised on behalf of the Petitioners.

6. In view of such, the order of cognizance dated 25.08.2011 passed in Complaint Case No.421 of 2011 by the Judicial Magistrate, 1<sup>st</sup> class, Rosera, is hereby set aside.

7. The application stands allowed.

**(Anjana Prakash, J)**

JA/-

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