

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22529 of 2011

Arising Out of PS.Case No. -357 Year- 2010 Thana Begusarai Town, District- BEGUSARAI

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1. Shiva Narayan Singh, Son Of Late Ram Praksh Singh, Resident Of Naya Tola, Dharara Kothi, P.S.- Kadam Kuan, District - Patna
 2. Barun Kumar, Son Of Sheo Kumar Singh, Resident Of Chakbari , Police Station - Barauni Refinery, in the district of Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The District Magistrate, Begusarai
3. The Superintendent of Police, Begusarai
4. Sri Harish Chandra Paswan, father's name not known to the Petitioner, the Officer-In-Charge, Begusarai Town Police Station

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.
For the State : Mr. Sanjay Kr. Tiwary-I, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 17-03-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 21.4.2011 passed by the Chief Judicial Magistrate, Begusari, in Begusarai Town P.S. Case No.357 of 2010 under Sections 353, 212, 225/34 of the Indian Penal Code And Provisions of SC/ST Act.

The background facts of the case is that the Petitioner No. 2 had instituted Begusarai Town P.S. Case No. 353 of 2010 on 1.8.2010 alleging therein that on the date of occurrence he had sent two of his persons with 1,00,000/- to his uncle's house but soon

thereafter, one Sanjay Kumar called him on his Mobile stating therein that the two employees were complaining about four miscreants having committed robbery of the said amount.

On 2.8.2010, the Petitioner No. 2 also instituted Complaint Case No. 257 of 2008 before the Chief Judicial Magistrate, Begusarai, against the Opposite Party No. 2 stating therein that while he had instituted a case of snatching the money, his man had been illegally detained by the Opposite Party No. 4 who was the Officer-in-Charge of Begusarai Town Police Station.

On the same day, the Opposite Party No. 4 filed a First Information Report stating therein that while he had detained the two employees who had complained about the robbery for questioning on the First Information Report instituted by the Petitioner No. 2, the Petitioner No. 1 who happened to be a lawyer came and started acting in a high handed manner as to why he had detained them. He also abused him taking his caste name.

The submission of the Petitioners is that evidently, in the background facts of the case, the present Prosecution is malicious and deserves to be set aside.

On the last occasion, notices had been issued to the Opposite Party No. 4 but none appears on his behalf.

Having considered the background facts of the case, the

application is allowed and the Proceedings including the order of cognizance dated 21.4.2011 passed by the Chief Judicial Magistrate, Begusari, in Begusarai Town P.S. Case No.357 of 2010 as also the Proceedings of Complaint Case No. 1257C of 2010 instituted by the Petitioner No. 2 are hereby set aside.

(Anjana Prakash, J)

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