

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 21144 of 2012

Arising out of P.S. Case No. -2700 Year- 2010l Thana –
Complaint District- BEGUSARAI

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Sandip Kumar Murarka S/o Late Purshotam Lal Murarka Resident
of Village- Fulwaria, Dindayal Road, Barauni, P.S- Fulwaria,
District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Laxmi Narayan Mehto S/o Late Bhadaï Mehto Resident of Village-
Thakurichak, P.S- Barauni, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Udai Chand Prasad, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-03-2015

The Petitioner seeks quashing of the proceeding
including the order of non-discharge dated 24.02.2012
passed by the Judicial Magistrate, 1st Class, Begusarai in
Complaint Case No. 2700(C) of 2010.

The case of the Complainant is that he got
information that his son had been kidnapped by
unknown persons. When he reached the petrol pump of
the Petitioner he got information that his son had been
sent to jail. When he met his son in Jail he told him that
the Petitioner had taken him to lunch and, thereafter,
some persons came there, abused him and took away his
belonging and sent him to Jail in Navgachia P.S. Case No.
248 of 2010.

It has been submitted that fact of the matter is that during inquiry a report was called for from the Police Station and the Officer In-charge reported that the son of the Complainant and another person had been arrested by the Raiding Party on the night of 12/13.10.2010 and produced before the Additional Chief Judicial Magistrate, Navgachia in a case instituted under Section 395 IPC.

On the other hand, Counsel for the Complainant submits that the Complainant is a PDS Dealer and his son used to take oil from the Petrol Pump of the Petitioner who started committing irregularities it and hence Complaint was filed.

Having gone through the facts of the case, I am unable to satisfy myself that any offence is made out.

Hence, the proceeding as against the Petitioner including the order of non-discharge dated 24.02.2012 passed by the Judicial Magistrate, 1st Class, Begusarai in Complaint Case No. 2700(C) of 2010 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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