

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4884 of 2010

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

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1. Shashi Nath Thakur S/O Late Dev Narayan Thakur R/O Vill.- Kumraul, P.S.- Ghanshyampur, Distt.- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. Budhani Chanpal W/O Kamal Chanpal R/O Vill.- Kumaraul, P.S.- Ghanshyampur, Distt.- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhan Chandra Jha
Mr. Ram Chandra Jha 'Raman', Advocates.
For the Opposite Party/s : Mr. Kamendra Prasad Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

The Petitioner seeks quashing of order dated 07.09.2009 passed by Judicial Magistrate, Ist Class, Biraul at Benipur, Darbhanga in Complaint Case No.397 of 2008.

The case of the Complainant is that on the date of occurrence, the accused persons started abusing the complainant and forcing her for withdrawing the earlier case in order to grab the property of the husband of the complainant. It appears from the petition filed that there was some land dispute between the parties on account of which proceeding under Sections 144 and 107 Cr.P.C. was initiated.

It is submitted that the Opposite Party No.2 is not a law

abiding person and even after notice under Sections 107 and 144 of the Cr.P.C. the husband of the Complainant is creating a problem so a restraint order was passed against the Complainant's husband.

Notices have been issued to the Opposite Party No.2 but none had appeared on her behalf.

Having considered the facts of the case, the application is allowed and the order dated 07.09.2009 passed by Judicial Magistrate, Ist Class, Biraul at Benipur, Darbhanga in Complaint Case No.397 of 2008 and the proceeding as against all the accused persons is hereby set aside.

(Anjana Prakash, J)

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