

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 9979 of 2009

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

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1. Md.Sakil son of Md. Manja.
 2. Md. Safik son of Late Budhan Biya.
 3. Md. Bhola son of Md. Manja

.... Petitioner/s

Versus

1. The State of Bihar.
2. Basant Lal Ram son of Ram Bishun Ram

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-07-2015

The petitioners seek quashing of the order of cognizance dated 05.02.2009 passed by the Judicial Magistrate, Begusarai in Complaint Case No. 1716C of 2008.

The case of the complainant is that on the date of occurrence the accused persons with some other came to his house and started demanding rangdari and when he resisted he was assaulted and abused. Initially a first information report was instituted in this regard but after due investigation final report was submitted. When protest petition was filed cognizance was taken on the same treating it as complaint.

The submission of the petitioners is that fact of the matter is that there was land dispute between the parties which has lead to

institution of the present case with trumped of charges so as to bring the accused before a criminal court.

On the last occasion notices had been issued to the O.P. No. 2 but none appears on his behalf.

Having considered the facts of the case as well as the impeachable documents, the application is allowed and the order of cognizance dated 05.02.2009 passed by the Judicial Magistrate, Begusarai in Complaint Case No. 1716C of 2008 is hereby set aside.

However, this order shall have no bearing on any proceeding.

(Anjana Prakash, J)

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