

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35003 of 2012

Arising Out of PS.Case No. -314 Year- 2009 Thana -null District- SARAN

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1. Ajit Kumar Pandey, S/O Late Kamdeo Pandey, resident of Dherokhara (Panday Tola), P.S.- Tajpur, District- Chapra

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ajay Kumar Pathak, son of late Devendra Pathak, resident of village- Bishunpura, P.S.-Jalalpur, Distict- Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate

For the Opposite Party/s : Mr. Ram Kishun Prasad, Advocate
APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 20-02-2015

1. The Petitioner, who happens to be the brother of the main accused, seeks quashing of the order of cognizance dated 04.11.2009 passed by the Judicial Magistrate, 1st class, Chapra, in Complaint Case No.314 of 2009.

2. It has been submitted that the case of the Complainant is that the Petitioner had suggested that his brother would be in a position to give employment to his daughter for which Accused No.1 came to his house to whom he gave ₹80,000/- but no job was given to him.

3. It has been submitted that the fact of the matter is that the brother of the Petitioner was adept of doing such things on account of which their mother had filed an application with regard to his antecedents. The Petitioner No.1 had no concern with him who

has been made accused in order to jeopardize his service condition and to coerce the main accused into submission. There is no allegation that the Petitioner was handed over any amount in question.

4. On the other hand, counsel for the Complainant submits that since there is allegation that the Petitioner had also suggested that his daughter would be given employment by the co-accused he should be put on trial.

5. Having gone through the facts of the Complaint Petition, I would be inclined to hold that where the present Petitioner is concerned his prosecution is meaningless.

6. In view of such, the order of cognizance dated 04.11.2009 passed by the Judicial Magistrate, 1st class, Chapra, in Complaint Case No.314 of 2009, is hereby set aside in so far the Petitioner is concerned.

7. However, quashment of the present proceeding shall have no bearing on the prosecution of the co-accused.

8. The application stands allowed.

(Anjana Prakash, J)

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