

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23022 of 2011

Arising out of P.S. Case No. -1323 Year- 2006 Thana -Complaint
District- SASARAM (ROHTAS)

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1. Dal Babu Chaudhary Son of Late Ram Sakal Chaudhary Resident of Village - Kushdhar, P.S. - Nokha (Baghaila), District - Rohtas.
 2. Bijendra Prasad @ Brijendra Soni Son of Yamuna Seth Resident of Village - Suara, P.S. - Nokha, District - Rohtas.
 3. Mithlesh Choudhary Son of Dahin Choudhary Resident of Village - Pratapganj, P.S. - Rajpur, District - Rohtas.
 4. Radheshyam Choudhary Son of Late Mundrika Chaudhary Resident of Village - Chaita Bahoiri, P.S. - Sanjauli, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Fula Devi Wife of Mahendra Chaudhary Resident of Village - Rajpur, P.S. - Rajpur, District - Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. J.P. Mandal, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-02-2015

No one appears on behalf of the Opposite Party No. 2.

The Petitioners seek quashing of the order of cognizance dated 04.12.2007 passed by the Judicial Magistrate, 1st Class, Rohtas at Sasaram in Complaint Case No. 1323 of 2006 (Tr. No. 2751 of 2007).

In the nature of allegations notices had been issued to the Opposite Party No. 2 but it was reported that the Complainant is now dead.

Considering that in such circumstances when Complaint is no longer alive when no Substitution Petition is filed nor allowed in the Court below, the application appears to have become infructuous.

The application is dismissed as such.

(Anjana Prakash, J)

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