

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6168 of 2010

Arising Out of PS.Case No. 3118 Year- 2007 Thana -null District- PATNA

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1. Bijay Kumar Choudhary son of late Ramsakal Choudhary at present Managing Director, M/s J.C.C. Bulcon (India) Private limited, 17, Ashiana Glaxy, Exhibition road, P.S. Gandhi Maidan, Patna
 2. Dayanand Singh
 3. Mayanand Singh
 4. Ramanand Singh, all sons of late Rajaram Singh, residents of Lalji Tola, P.S. Gandhi Maidan, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Devendra Prasad, son of Sri Ramnath @ Ramnath Bhagat @ Ramnath Gope, resident of West Lohanipur, P.S. Kadam Kuan, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. L.K.Sharma, Advocate

For the Opposite Party/s : Mr. Rabindra Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT

Date: 11-09-2015

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

The Petitioners seek quashing of the order of cognizance dated 3.6.2008 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.3118 of 2007 (Trial No.687 of 2008).

The case of the Complainant is that he acquired certain lands from his father and even though he had not entered into an agreement with the accused persons in regard to the construction of a multi storied building, the accused persons had created a forged document in its regard.

It has been submitted on behalf of the Petitioners that the

claim of the Complainant is evidently false since the records of land shows that the land was not entered in the name of the father of the Complainant. Reportedly it was they, who had got the mutation of the owner cancelled as is evident from Annexure 2 series.

Having considered the aforesaid as also that in the facts of the case at best a civil dispute appears to be made out, the application is allowed and the proceeding including the order of cognizance dated 3.6.2008 passed by the Judicial Magistrate, 1st class, Patna in Complaint case No.3118 of 2007 (Trial No.687 of 2008) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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