

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12693 of 2010

Arising Out of Complaint Case No. -587 Year- 2009 District- EAST CHAMPARAN (MOTIHARI)

1. Dinanath Singh, Son of Late Rameshwar Singh
2. Bijendra Kumar Singh, Son of Dinanath Singh
3. Arun Kumar Singh, Son of Dwarika Singh
4. Manoj Kumar Singh, Son of Late Raghunath Singh

All are residents of Mohalla Vir Kunwar Singh Colony, P.S. –Hajipur Town,
District- Vaishali.

.... Petitioners

Versus

1. The State of Bihar
2. Kameshwar Kumar Singh, Son of Late Tapi Singh, Resident of Mohalla –
Laxmipur main Road, Raksaul, P.S.- Raksaul, Distict- East Champaran.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mrs. Soni Srivastava, Advocate
Mr. Amit Prakash, Advocate
Mr. Pritish Kr.Lal, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

The Petitioner seeks quashing of the order of cognizance dated 24.02.2010 passed by the Chief Judicial Magistrate, Motihari in Complaint Case No. 587 of 2009.

The case of the complainant is that there were a series of cases between the parties in course of which the Petitioners filed an application purportedly signed by a co-prisoner against the complainant and hence attempted to derail the course of justice.

The Counsel for the Petitioners rightly submits that in such circumstances, no criminal offence whatsoever is made out and hence the prosecution should be set aside.

The Counsel for the Complainant does not have any reply to the aforesaid submission.

Hence, the application is allowed and the proceeding including the order of cognizance dated 24.02.2010 passed by the Chief Judicial Magistrate, Motihari in Complaint Case No. 587 of 2009 is hereby set aside.

(Anjana Prakash, J)

Vats/-

U		T	
---	--	---	--