

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6375 of 2010

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

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Ram Dular Prasad

.... Petitioner/s

Versus

1. State of Bihar

2. Bhulli Devi wife of Ram Balak Mahto

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

No one appears on behalf of either of the parties.

The petitioner seeks quashing of the order of cognizance dated 13.07.2009 passed by the Judicial Magistrate 1st Class, Begusarai in Complaint Case No. 575C of 2008.

The case of the complainant is that she is wife of a Riksha Pooler and on the date of occurrence the accused persons entered into her hut and attempted to commit rape. When her husband protested the accused persons assaulted him.

It has been submitted on behalf of the petitioner that fact of the matter is that Sambhu Mahto an accused was hiding in the house of Ram Balak Mahto who is the husband of the complainant and accordingly they entered into the hut and being aggrieved by such, the present complaint has been instituted in order to teach a lesson

to the police officials.

Having considered the facts of the case, the application is allowed and the order of cognizance dated 13.07.2009 passed by the Judicial Magistrate 1st Class, Begusarai in Complaint Case No. 575C of 2008 is hereby set aside.

(Anjana Prakash, J)

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