

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33377 of 2008

Arising Out of PS.Case No. 55 Year- 1995Thana -Madhubanil District- Madhubani.

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Raj Kumar Mahaseth, son of late Babu Ram Awatar Mahaseth, resident of Madhubani, Gandhi Bazar, P.S. & Distt. Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the State : Mr. R.B. Roy 'Raman' A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-04-2015

No one appears on behalf of the Petitioner.

The Petitioner seeks quashing of the order of cognizance dated 11.3.2008 passed by the Chief Judicial Magistrate, Madhubani, in Madhubani Town P.S. Case No. 55 of 1995.

The case of the Prosecution is that during election time, on wall of a residence, the Petitioner had got written that his Party be voted to power.

It appears that during investigation, the Investigating Officer noted that the brother of the Petitioner had given permission to his elder brother to write such a plea on his wall.

In such circumstances, evidently, no offence under the Bihar Sampatti Virupan Niwaran Adhinium 1985 is made out.

Hence, the application is allowed and the Proceeding

including the order of cognizance dated 11.3.2008 passed by the Chief
Judicial Magistrate, Madhubani, in Madhubani Town P.S. Case No.
55 of 1995, is hereby set aside.

(Anjana Prakash, J)

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