

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.34871 of 2008**

Arising Out of Katihar (Sahayak) P.S. Case No. 122 Year- 2006 District- KATIHAR

- =====
1. Manoj Kumar Yadav, son of late Kapildev Yadav
  2. Arvind Kumar Yadav, son of late Kapildev Yadav
- Both resident of village Baghar, P.S. Manihari, Distt. Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Jamal Ara, wife of Md. Kaiser Imam Mallick, resident of Mohalla Madho Para Khajanchi Hat, P.S. Sahayak Khajanchi Hat, Distt. Purnea, at present residing at Choudhary Mohalla, Distt. Katihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. P.K. Jaipuriyar, Adv.  
Mr. Anshuman Jaipuriyar, Adv.  
Mr. Anukriti Jaipuriyar, Adv.  
For the State : Mr. Ajay Kumar-1, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 19-05-2015**

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 28.2.2007 passed by the Chief Judicial Magistrate, Katihar, in Katihar (Sahayak) P.S. Case No. 122 of 2006.

The case of the Opposite Party No. 2 is that she had purchased a certain piece of land which was resold by some other persons to the present Petitioner.

It has been submitted on behalf of the Petitioners that if at all anyone has committed an offence, it is the seller and not the Petitioners who are bona fide purchasers.

This Court on various occasions attempted to ensure the appearance of the Informant but to no avail.

Having considered the status of the Petitioners, the application is allowed and the Proceedings including the order of cognizance dated 28.2.2007 passed by the Chief Judicial Magistrate, Katihar, in connection with Katihar (Sahayak) P.S. Case No. 122 of 2006 , so far as the Petitioners are concerned, is hereby set aside.

**(Anjana Prakash, J)**

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