

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8684 of 2013

Arising Out of PS.Case No. -77 Year- 2012 Thana -KATIHAR District- -

- =====
1. Hari Narayan Yadav
 2. Ram Narayan Yadav

Both sons of late Bishwnath Yadav, resident of Mohalla- Gareri Tola, Police Station And District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Raj Kishore Singh, s/o late Nandan Singh, resident of village- Raksha, Police Station- Katihar (M), District- Katihar at present resident of Rajhata Binodpur, Police Station- Katihar (T) , District- Katihar
3. Pramod Kumar Yadav, S/O Late Kanhai Yadav, Resident Of Village- Daheria Bhatta, Police Station- Katihar (Musaffil), District- Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R. Prasad Sah, Adv.
Mr. Ratnakar Ambastha, Adv.

For the State : Dr. Kr. U. Pratap, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-05-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 19.12.2012 passed in Katihar (T) P.S. Case No. 77 of 2012 by the Chief Judicial Magistrate, Katihar.

The case of the Informant is that he entered into an agreement with Pramod Kumar Yadav for sale of certain piece of land and when he went to Registry Office, Katihar, he learnt that some fake person in the name of Pramod Kumar Yadav got the some land sold and mutated in their name. The Petitioners were suspected to

have been involved in the said transaction.

The counsel for the Petitioners submits that there is no direct material showing the Petitioner's complicity and it is only speculation that they have been dragged.

On the other hand, the counsel for the Informant submits that there was material to suggest in the case diary that the Petitioners were the persons who got executed the earlier sale deed and, therefore, they should be put on trial since all the witnesses supported the Informant.

Having considered the rival submission, I am unable to convince myself that on the nature of material which is only speculation, it would justify putting the petitioners on trial.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 19.12.2012 passed in Katihar (T) P.S. Case No. 77 of 2012 by the Chief Judicial Magistrate, Katihar, so far as the Petitioners are concerned, is hereby set aside.

However, this order shall not give any undue advantage to any person.

(Anjana Prakash, J)

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