

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29027 of 2012

Arising Out of PS.Case No. -80 Year- 2010 Thana -null District- JAMUI

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Bijay Singh, S/O Shri Mohan Singh, R/O Vill-Nawadih, P.S.-Chandramandi, Distt-Jamui, At Present Chairman Land Development Bank , Head Office, Buddh Marg, Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Executive Engineer, Minor Irrigation Division, Jhajha (Jamui)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal, Adv.

For the State : Mr. Bipin Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-04-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance dated 7.12.2010 passed in Chandramandi P.S. Case No. 80 of 2010, G.R. No. 1654 of 2010 by the Chief Judicial Magistrate, Jamui.

The case of the Informant is that the villagers in Jhajha had started getting dug a canal branch by a JCB machine and on enquiry in such an act, the villagers fled away.

It has been submitted on behalf of the Petitioner that even conceding the allegation in the First Information Report, no offence whatsoever is made out. Even if there was an irregularity in the villagers having got dug a Canal, it would be no criminal offence.

The case diary has been looked into by the learned A.P.P. who submits that apart from the aforesaid facts, there is no further material against the Petitioner.

Having considered the aforesaid circumstances of the case, the application is allowed and the entire Proceedings including the order of cognizance dated 7.12.2010 passed in Chandramandi P.S. Case No. 80 of 2010, G.R. No. 1654 of 2010 by the Chief Judicial Magistrate, Jamui, **against all the accused persons** is hereby set aside.

(Anjana Prakash, J)

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