

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23606 of 2012

Arising Out of PS.Case No. -43 Year- 2010 Thana -null District- PATNA

Nasib Lal Singh @ Nasib Lal & Ors.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-08-2015

The petitioners seek quashing of the order dated 24.07.2010 passed by the Judicial Magistrate, Patna in Ram Krishna Nagar P.S. Case No. 43 of 2010.

The case of the informant is that on the date of occurrence the accused persons variously armed came to his door and started to capture his land as also threatened him of dire consequences.

It has been submitted on behalf of the petitioners that evidently the occurrence is on account of some land dispute and the rest of the allegations are mere embellishments in order to sort out the same.

On the last occasion notices had been issued to the O.P. No. 2 but none appears on his behalf.

Considering the facts of the case I would be inclined to

hold that the present prosecution is unwarranted and deserves to be set aside.

Hence the application is allowed and the order dated 24.07.2010 passed by the Judicial Magistrate, Patna in Ram Krishna Nagar P.S. Case No. 43 of 2010 is hereby set aside.

(Anjana Prakash, J)

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