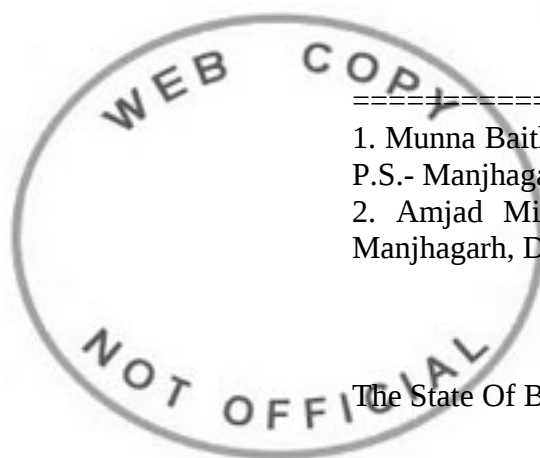




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7607 of 2013

Arising Out of PS.Case No. -437 Year- 2011 Thana -SC SC PS District- -

- =====
- 1. Munna Baitha @ Md. Rafi S/O Late Nabi Resool Resident Of Village- Baluhin, P.S.- Manjhagarh, Dist.- Gopalganj
 - 2. Amjad Mian S/O Late Nabi Resool Resident Of Village- Baluhin, P.S.- Manjhagarh, Dist.- Gopalganj

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-05-2015

The petitioners seek quashing of the order dated 18/26.06.2012 by which the Chief Judicial Magistrate, Gaya has taken cognizance and issued warrant of arrest against the petitioners in Hazipur S.C/S.T. P.S. Case No. 437 of 2011.

The case of the informant is that petitioners are influential persons who came to her house on the date of occurrence and started abusing by taking his caste name and told him to withdraw the earlier case as also threatened her of dire consequences.

It has been submitted on behalf of the petitioners that the fact of the matter is that the petitioners are sons of the accused Jaitun Nisa and they reside in gulf country. On the date of occurrence they

were not present at the place of occurrence which is clear from the copy of the passport annexed by way of supplementary affidavit.

On the last occasion notices have been issued to the O.P. No. 2. He has appeared and submits that these documents are by way of defence.

In view of the fact that the evidence produced on behalf of the petitioners are unimpeachable in nature the allegation so far as the petitioners are concerned appears to be false and malicious. Hence the application stands allowed so far as the petitioners are concerned and the order dated 18/26.06.2012 passed by the Chief Judicial Magistrate, Gaya in Hazipur S.C/S.T. P.S. Case No. 437 of 2011 is hereby quashed.

(Anjana Prakash, J)

Prakash/-

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