

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 26362 of 2011

Arising out of P.S. Case No. -187 Year- 2003 Thana –Civil
Line District- GAYA

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1. Nanhak Yadav Son of Late Somar Yadav Resident of Village -
Maranpur, P.S. - Civil Line, District - Gaya.
 2. Smt.Kalwa Devi Wife of Sita Ram Yadav Resident of Village -
Maranpur, P.S. - Civil Line, District - Gaya.
 3. Sita Ram Yadav Son of Sri Anand Yadav Resident of Village -
Maranpur, P.S. - Civil Line, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sipahi Ram Jayswal Son of Late Bahadurpur Sah Resident of
Mohalla - Nutan Nagar, P.S. - Civil Line, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh No. 1, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-03-2015

The Petitioners seek quashing of the order of
cognizance dated 12.05.2011 passed by the Judicial
Magistrate, 1st Class, Gaya in Civil Line P.S. Case No. 187 of
2003.

The case of the Informant is that the Petitioners had
sold off a certain piece of land to his son Ashok Kumar on
04.04.1994 after which he was given possession. Later on he
sold off the same land to some other accused persons in the
year 2003.

It has been submitted on behalf of the Petitioners
that it is indeed true that the accused persons had sold off a

certain piece of land to the son of the Informant but that was a separate land and the second sale was with respect to some other piece of land. When a dispute arose a Pleader Commissioner was appointed to survey the area who found the claim of the Petitioners correct. It is under these circumstances that the Petitioners seek quashing.

Notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Considering the merits of the case mentioned above and the submissions raised on behalf of the Petitioners, the entire proceeding as against the Petitioners including the order of cognizance dated 12.05.2011 passed by the Judicial Magistrate, 1st Class, Gaya in Civil Line P.S. Case No. 187 of 2003 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J)

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