

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9229 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- BEGUSARAI

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1. Harihar Nath Jha S/O Late Braj Banshi Jha At Present Working As District Superintendent Of Education Purnea, Distt.- Purnea
 2. Kundan Kumar Singh S/O Bholan Prasad Singh At Present Additional District Programme Co-Ordinator, Bihar Education Project Purnea, Distt.- Purnea
 3. Satyendra Kumar Suman S/O Late Baldeo Prasad Yadav At Present Residing At Shashtri Chowk, Sri Nagar Road, Purnea, Distt.- Purnea, At Present Posted In Middle School Simmal Gachhi, Purnea As In-Charge Headmaster

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Kuldeep Paswan S/O Late Shukdeo Paswan Prabhat Colony, P.S.- K.Hat, Distt.- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
Mr. Dhananjay Kr.Gupta, Adv.
Mr. Alok Ranjan, Adv.
For the State : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 24.2.2010 passed by the Chief Judicial Magistrate, Purnea, in Begusarai S.C./S.T. P.S. Case No. 11 of 2009.

The case of the Complainant is that he was allotted the job of constructing Building for Bihar Education Project in which he was advanced certain amount of money but for some reason, he could not proceed and the present Petitioners taking advantage of the

position, started to abuse him and obstruct the said construction.

It has been submitted on behalf of the Petitioners that after due investigation, Final Report was submitted since it was found that the Informant had proceeded against the Government Officials on account of action taken against him by them while he committed certain irregularities in execution of work. A First Information Report being Amour P.S. Case No. 13 of 2009 under Section 409 of the Indian Penal Code was also instituted against him. It is only as a backlash, the present case was instituted to create a defence.

The counsel for the Informant submits that now compromise has been entered into between the Parties.

Hence, the application is allowed and the Proceeding including the order of cognizance dated 24.2.2010 passed by the Chief Judicial Magistrate, Purnea, in Begusarai S.C./S.T. P.S. Case No. 11 of 2009, is hereby set aside.

(Anjana Prakash, J)

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