

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18582 of 2010

Arising Out of PS.Case No. 20 Year- 2007 Thana -null District- SHEOHAR

- =====
1. Md.Obaid S/O Md.Ishaque .
 2. Yunus Mansoori @ Yunus Ansari S/O Wali Miyan, R/O Vill.- Gadhwa,P.S.- And Dist.-Sheohar.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Abullais son of Tajammul Hussain, resident of village Gadhwa, P.S. and District Sheohar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-2, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-11-2015

The Petitioners seek quashing of the order of cognizance dated 16.12.2009 passed by Sri R.P. Trivedi, J.M., 1st class, Sheohar in Piprahi P.S. case No.20 of 2007.

The case of the Informant is that on the date of occurrence while he was returning home the accused persons waylaid and assaulted him and snatched his personal possession. Initially the case was referred to the Police under Section 156(3) Cr.P.C. but after due investigation final report was submitted with a recommendation that the Informant be proceeded against under Sections 182, 211 I.P.C. In order to screen himself from such prosecution the Informant immediately filed a protest petition which was treated as Complaint

on oral allegations on which the case proceeded.

Having considered that an independent agency enquired into the personal dispute between the parties and found the allegations false, I would be inclined to set aside the present prosecution. Hence, the application is allowed and the proceeding including the order of cognizance dated 16.12.2009 passed by Sri R.P. Trivedi, J.M., 1st class, Sheohar in Piprahi P.S. case No.20 of 2007 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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