

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21626 of 2011

Arising Out of Complaint Case No. -65 Year- 2010 District- SASARAM (ROHTAS)

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1. Surendra Prasad Mandal, son of late Hanuman Mandal
2. Pappu Kumar, son of Sri Surendra Prasad Mandal
3. Sabita Kumari, daughter of Sri Surendra Prasad Mandal
4. Prem Chandra Mandal, son of Sri Surendra Prasad Mandal

All are resident of village Naya Tola Chauhaddi, P.O. and P.S. Nath Nagar (Madhusudanpur), Distt. Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sushil Kumar Anand, son of Sri Sukhdeo Prasad Mandal, resident of village Ramjani, Upadhyay Tola, P.O. Shila Nath Rupali, P.S. Janki Nagar, Distt. Purnea. At present residing at Railway Power House, East Central Railway, Dehri, P.S. Dalmia Nagar (Dehri), Distt. Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad, Adv.
Mr. Brij Nandan Prasad, Adv.
For the State : Mr. Hriday Pd. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 17-03-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 30.7.2010 passed by the Chief Judicial Magistrate, Rohtas at Sasaram in Complaint Case No. 65 of 2010 under Sections 380 and 506 of the Indian Penal Code.

The case of the Complainant is that his marriage was solemnized with the daughter of the Petitioner No. 1 on 20.6.2002 out of which two children were born. Subsequently, his wife died whereafter, the accused persons started to live at his residence for

looking after the children. Then Petitioner No. 1 told him to marry with Sabita Kumari which was denied at which they started to demand a certain amount of money and then took away Rs.45,000/- and ornaments of his wife.

The submission of the Petitioner is that the present Complaint is evidently false and filed in order to save the Complainant from Prosecution in Nath Nagar P.S. Case No. 226 of 2009 instituted for the murder of the daughter of the Petitioner No. 1 by the Complainant who happen to be the husband. In this background, evidently, the allegations are malicious and deserve to be set aside.

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

Having considered the background facts of the case, the application is allowed and the Proceeding including the order of cognizance dated 30.7.2010 passed by the Chief Judicial Magistrate, Rohtas at Sasaram in Complaint Case No. 65 of 2010 is hereby set aside.

(Anjana Prakash, J)

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