

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 17824 of 2012

Arising out of P.S. Case No. -87 Year- 2001 Thana -
Dalsingsarai District- SAMASTIPUR

=====

Suresh Mahto @ Suresh Kumar Singh S/o Late Munni Lal Mahto
Resident of Village- Pand, P.S.- Dalsingsarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Dulari Devi, W/o Ram Naresh Mahto, R/o Village:-Pand,
P.S. Dalsingsarai, District-Samastipur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Adv.

For the Opposite Party/s: Mr. Arun Kumar, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-02-2015

The Petitioner seeks quashing of the order of non-discharge dated 01.03.2012 passed by the Judicial Magistrate, 1st Class, Dalsingsarai in Dalsingsarai P.S. Case No. 87 of 2001 (G.R. No. 364 of 2001, Tr. No. 168 of 2012).

The case of the Informant is that while she was sleeping suddenly the accused persons entered the house and took signature on a blank paper. She further alleged that her husband had been allured by her brother-in-law so as to deprive him of his property.

It has been submitted that after due investigation final report was submitted in the matter but disagreeing with the same the Court took cognizance and thereafter refused to discharge the Petitioner. The further submission is that even

accepting the prosecution in its entirety no offence would be made out against all the accused persons since those blank papers were never put into any useful act.

The case diary has been looked into by the learned APP and he is not in a position to refute such submission.

In view of such, the application is allowed and the entire proceeding as against all the accused persons including the order of non-discharge dated 01.03.2012 passed by the Judicial Magistrate, 1st Class, Dalsingsarai in Dalsingsarai P.S. Case No. 87 of 2001 (G.R. No. 364 of 2001, Tr. No. 168 of 2012) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J)

Vikash/-

U		T	
---	--	---	--