

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 44836 of 2011

Arising out of P.S. Case No. -233 Year- 2011 Thana -
Makhdumpur District- JEHANABAD

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1. Niranjana Kumar, Son of Nageshwar Yadav, R/o Vill Thikraur, P.S. Makhdumpur, Dist.- Jehanabad.
 2. Chandan Kumar, Son of Nageshwar Yadav, R/o Vill Thikraur, P.S. Makhdumpur, Distt.- Jehanabad.
 3. Nageshwar Yadav, Son of Late Kuldip Yadav, R/o Vill Thikraur, P.S. Makhdumpur, Distt.-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Kumari (Advocate), D/o Indradeo Prasad, R/o Village- Thikraur, P.S.-Makhdumpur (Tehta) Distt.-Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Adv.

For the Opposite Party/s : Mr. B.M.P. Sinha, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-03-2015

No one appears on behalf of the Opposite Party No. 2
on the second consecutive dates.

The Petitioners seek quashing of the entire
proceeding including the order of cognizance dated
10.11.2011 passed by the Chief Judicial Magistrate,
Jehanabad in Makhdumpur P.S. Case No. 233 of 2010 under
Sections 457 and 380 of the Indian Penal Code.

The case of the Informant is that on 21.06.2011
while her father and elder brother had gone out of the house
and on her return from the Court she found that the accused

persons entered into her house and forcibly broke upon the locks of a box and took away Rs. 20,000/- as also some other documents and threatened her.

It has been submitted on behalf of the Petitioners that the allegations appear to be absurd and unreliable. It also appears highly unbelievable that the accused persons would have entered the house of the Informant in her presence and committed the act of theft in front of her.

Also, during investigation no independent witness supported the allegations to verify which the case diary was called for. The submission finds support from the case diary.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 10.11.2011 passed by the Chief Judicial Magistrate, Jehanabad in Makhdumpur P.S. Case No. 233 of 2010 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J)

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