

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32839 of 2012

Arising Out of PS.Case No. -191 Year- 2010 Thana -null District- BHAGALPUR

1. Gopal Kumar S/O Late Hariram Panjiara R/O Mohalla - Mohaddinagar, P.S. Babarganj (Mozahidpur), Town And District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.K. Das, Advocate

For the Opposite Party/s : Mr. Sanjay Kr., APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 30-06-2015

The Petitioner seeks quashing of the order dated 23.5.2011, by which the Chief Judicial Magistrate, Bhagalpur in Babarganj (Mozahidpur) P.S. case No.191 of 2010 (G.R. No.3213 of 2010) arising out of Complaint case No.2350 of 2010 has taken cognizance under Sections 182 and 211 I.P.C.

The background facts is that the Petitioner was the Informant of the aforementioned case which was found not substantiated during investigation, upon which final report was submitted with a recommendation that the Petitioner be proceeded against under the provisions of Sections 182 and 211 I.P.C.

The submission of the Petitioner is that even if there is no support from independent sources it would not be proper to say

that the case was false.

Considering the aforesaid submission, the application is allowed and the order dated 23.5.2011 passed by the Chief Judicial Magistrate, Bhagalpur in Babarganj (Mozahidpur) P.S. case No.191 of 2010 (G.R. No.3213 of 2010) arising out of Complaint case No.2350 of 2010 is hereby set aside.

However, this order shall not give undue advantage to any party.

(Anjana Prakash, J)

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