

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 32940 of 2012

Arising out of P.S. Case No. -46 Year- 2011 Thana -null
District- SIWAN

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Imam Hassan S/o Mainuddin @ Md. Mainuddin Resident of
Village- Sarangpur, Police Station- Gautam Budh Nagar (Tarwara),
District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Satyendra Kumar Sahay S/o Basuki Nath Sahay Resident of
Village- Sujhav Patti, Police Station + District- Kishanganj,
Presently Posted As Circle Officer, Maharajganj, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.P. Yadav, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-09-2015

The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 16.08.2011 passed by the Chief Judicial Magistrate, Siwan in Maharajganj (G.B. Nagar) P.S. Case No. 46 of 2011 (Tr. No. 3422 of 2012).

The case of the Informant is that on the date of occurrence while he was getting measurement done and inspecting the records the Petitioner started snatching the alleged records and protesting in an uncivil manner.

The Petitioner submits that it is indeed true that measurement being done on the orders of the Court but the Informant being in collusion with the private

Opposite Parties started to demoralize the Petitioner who happens to be the contemnor of MJC No. 1278 of 2010 pending before this Court. A proceeding was initiated against the Officers for the lapses committed by them and, therefore, in retaliation, the present First Information Report was instituted.

On the last occasion, notices had been issued to the Opposite Party No. but to no avail.

Having considered the facts of the case and the background, the entire proceeding as against the Petitioner including the order of cognizance dated 16.08.2011 passed by the Chief Judicial Magistrate, Siwan in Maharajganj (G.B. Nagar) P.S. Case No. 46 of 2011 (Tr. No. 3422 of 2012) is, hereby, set aside.

The Application stands allowed without prejudice to the right of the parties.

(Anjana Prakash, J.)

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