

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14159 of 2013

Arising Out of PS.Case No. -129 Year- 2008 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Prabhat Kumar Suman S/O Hira Seth Resident Of Mohalla- Pirpainty,
Shemari Bazar, Police Station- Pirpainty In The District Of Bhagalpur.

.... Petitioner/s

Versus

The State Of Bihar and another.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy, Advocate.

For the Opposite Party/s : Mr. Suman Kumari Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-07-2015 Heard learned counsel for the petitioner, learned

counsel appearing for the O.P. No.2 and learned A.P.P. for the

State.

The petitioner seeks quashing of the order dated
8.6.2010 by the Judicial Magistrate, 1st Class in Complaint Case
No.129 of 2008 by which cognizance under Sections 323/ 406 and
504 of the Indian Penal Code has been taken against the petitioner.

The prosecution case based on complaint petition is
that the O.P. No.2 had applied for loan against which he received
the Tractor from the petitioner's proprietorship Firm. The
prosecution case further is that a sum of Rs.10,000/- was taken by
the petitioner and another for supply of the traylor but on repeated
request for return of money the petitioner was altercated by

O.P.No.2 along with another.

So far as the allegations of documents which were to be supplied to the O.P. No.2 had subsequently been supplied which is evident from the complaint case itself.

Counsel for the petitioner further submits that the O.P.No.2 could not show as to whether and what amount of K.C.C. loan and for what purpose the K.C.C. loan was taken.

Be that as it may, the petitioner may, if so desire, may raise all such points before the Judicial Magistrate, 1st class, Bhagalpur where Complaint Case No.129/08 is pending.

This application is dismissed.

(Nilu Agrawal, J)

AnilKrSinha/-

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