

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53022 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- NAWADA

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Ranjit Prasad Yadav, son of Lalo Prasad Yadav, resident of village- Bilarpur, P.S.-
Sirdala, district- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Smt. Saroj Devi, wife of Rambriksh Yadav, resident of village-Abdul Tola,
Hathmarba, P.S.-Sirdala, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

1. No one appears on behalf of the parties.

2. The Petitioner seeks quashing of the order of
cognizance dated 29.04.2008 passed by the Judicial Magistrate, 1st
class, Nawada, in Complaint Case No.952-06.

3. The case of the Complainant is that she had
solemnized marriage of her son Binod Yadav with the daughter of
Lalo Prasad Yadav i.e. sister of the Petitioner in the year 2001. Her
daughter-in-law was working in a Nursing Home and residing there.
However, the accused persons kidnapped her daughter-in-law for
which the son of the Complainant i.e. her husband filed Complaint
Case on 10.10.2006 vide Complaint Case No.822 of 2006. When the
accused persons came to know about the Complaint Case they

started putting pressure upon the son of the Complainant. On the date of occurrence, the Petitioner and his brother went to the house of the Complainant and took her son with them on some pretext after which he became traceless.

4. From the Petition filed herein, I find that the plea of the Petitioner is that earlier Petitioner had instituted Nawada Town P.S. Case No.258 of 2006 against the husband and son of the Complainant under Section(s) 366, 367 Indian Penal Code. He had alleged that marriage of his sister Kanchan Kumari has been solemnized with Binod Prasad Yadav about six years back and she was getting training at Nawada. However, on 28.09.2006, the father-in-law and her husband came to the Nursing Home and asked her to accompany them and then became traceless. When the Petitioner asked for an explanation, they said that her sister had accompanied only for a certain distance and got off a rickshaw and disappeared. In the said case, charge-sheet was submitted against the accused persons as also against the Complainant. In order to save themselves from the liability of explaining disappearance of Kanchan Kumari, the present Complaint Petition has been filed falsely implicating only on oral allegation.

5. Having considered the documentary evidence in support of pleading of the Petitioner, I am inclined to allow the

application. Accordingly, entire proceeding including the order of cognizance dated 29.04.2008 passed by the Judicial Magistrate, 1st class, Nawada, in Complaint Case No.952-06, **against all the accused persons** is hereby set aside.

6. The application stands allowed.

(Anjana Prakash, J)

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