

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40997 of 2012

Arising Out of PS.Case No. -532 Year- 2012 Thana -null District- SUPAUL

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1. Dr. Sanjib Kumar S/O B.N. Gupta At Present Working As Principal, B.S.S. College, Supaul, P.O. + P.S.- Supaul, District Supaul

.... Petitioner/s

Versus

1. The State Of Bihar
2. Yogendra Prasad Sah S/O Late Jailal Sah Resident Of Gonaha, P.S. Triveniganj, District Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Opposite Party/s : Mr. M.K. Khare, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-10-2015

The Petitioner seeks quashing of the order of cognizance dated 4.9.2012 passed by the court of Sri Mukesh Kumar, Judicial Magistrate, 1st class, Supaul in Complaint case No.532 of 2012.

The case of the Complainant is that a dispute arose when a boundary wall was proposed to be built by the Complainant in which course the Petitioner intervened and started to abuse and assault him as also committed theft of his personal property.

It has been submitted that fact of the matter is that the boundary works was dependent on funds allotted by the Member of Parliament and was executed by the contractors under the guidance of the State Officials. The Petitioner being the Principal had no role

either in construction or with respect to the funds. In fact the Complainant had raised a dispute in regard to it by filing Title Suit No.51 of 2009 which was dismissed on 30.1.2002. In order to pursue the said dispute the Complainant had filed this false Complaint with trumped up charges.

On the last occasion notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the frivolous and improbable nature of allegations against the accused persons, the application is allowed and the entire proceedings against all the accused persons including the order of cognizance dated 4.9.2012 passed by the court of Sri Mukesh Kumar, Judicial Magistrate, 1st class, Supaul in Complaint case No.532 of 2012 is hereby set aside.

(Anjana Prakash, J)

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