

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47162 of 2012

Arising Out of PS.Case No. 01 Year- 2008 Thana Begusarai Sadar S.C.S.T.(Begusarai)

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1. Sukesh Chaudhary, son of Shri Nand Kishore Chaudhary
 2. Santosh Chaudhary @ Santosh Kumar Chaudhary, son of Shri Nad Kishore Chaudhary
 3. Sudarshan Chaudhary, son of Shri Bal Mukund Chaudhary
 4. Mukesh Kumar Chaudhary @ Mukesh Chaudhary, son of Shri Nand Kishore Chaudhary
 5. Pappu Chaudhary, son of Shri Bal Krishna Chaudhary
 6. Lalan Chaudhary, son of Shri Bal Krishna Chaudhary
 7. Rajesh Chaudhary, son of Shri Bal Mukund Chaudhary
 8. Anjani Chaudhary, son of Harsh Narayan Chaudhary
 9. Harsh Narayan Chaudhary, son of late Mahavir Chaudhary
 10. Bal Krishna Chaudhary, son of late Mahavir Chaudhary
 11. Nand Kishore Chaudhary, son of late Hriday Narayan Chaudhary
- All residents of village Mehan, P.S. Balia, P.O. Dandari, Distt. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sita Ram Paswan, son of late Bhikhan Paswan, village Mehan, P.S. Balia, Distt. Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

Mr. Bipin Kumar, Adv.

For the State : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 06-07-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 26.9.2012 passed by the Additional Sessions Judge-I, Begusarai, in Sessions Trial No. 605 of 2011 arising out of Begusarai, Sadar, S.C.S.T. (Begusarai) P.S. Case No. 01 of 2008.

The case of the Informant is that on the date of occurrence, the accused persons variously armed, assaulted him as

also damaged his thatched house.

The submission of the Petitioners is that there was some kind of dispute between one Sunil Chaudhary and the present Petitioners on account of which both Party had instituted one case against each other i.e. Complaint Case No.19-C of 2008 and Balia P.S. Case No. 237 of 2007. When the Petitioners came before this Court vide Cr. Misc.18824 of 2009, notices were issued to the Opposite Party No. 2 and further Proceedings of both the cases were dropped. Further submission is that the instant case has also been instituted at the instance of Sunil Chaudhary through Sita Ram Paswan.

It has also been submitted that till date charges have not been framed.

On the last occasion, Opposite Party No. 2 was noticed but despite service of notice upon his daughter, he has chosen not to appear before this Court.

The case diary has been received and the learned A.P.P. on going through it, he submits that all independent witnesses have stated that the occurrence is false that no such occurrence had taken place and the case was false.

Having considered the aforesaid, the application is allowed and the Proceeding including the order dated 26.9.2012 passed by the

Additional Sessions Judge-I, Begusarai, in Sessions Trial No. 605 of 2011 arising out of Begusarai, Sadar, S.C.S.T. (Begusarai) P.S. Case No. 01 of 2008, is hereby set aside.

(Anjana Prakash, J)

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