

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38897 of 2012

Arising Out of PS.Case No. -504 Year- 2012 Thana -null District- BEGUSARAI

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1. Shobha Devi wife of Raj Karan Yadav, resident of village Maida Babhawangawan, P.S. Birpur, District Begusarai
 2. Subodh Kumar son of Sri Prabhu Yadav, resident of village Kapasya, P.S. Town, District Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar son of Sri Ram Udit Yadav, resident of village Maida Babhawangawan, P.S. Birpur, District Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R. Ranjan, Advocate

For the Opposite Party/s : Mr. S. Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-08-2015

The Petitioners seek quashing of the order of cognizance dated 6.6.2012 passed by the Judicial Magistrate, 1st class, Begusarai in Trial No.3357 of 2012 arising out of Complaint case No.504C of 2012.

The case of the Complainant is that on the date of occurrence the accused persons came variously armed and started to assault the Complainant and other family members and fled away with the house hold articles.

It has been submitted on behalf of the Petitioners that they are agnates of the Complainant and there was property dispute between them. In fact earlier the Petitioner No.1 had filed Birpur P.S.

case No.22 of 2012 on 17.3.2012 also under similar Sections.

Having gone through the background facts of the case, this Court is of the view that in the interest of justice both the cases, which are minor in nature, be set aside. Hence, the application is allowed and the proceeding of Complaint case No.504C of 2012 including the order of cognizance dated 6.6.2012 passed by the Judicial Magistrate, 1st class, Begusarai in Trial No.3357 of 2012 arising out of Complaint case No.504C of 2012 and the proceeding of Birpur P.S. case No.22 of 2012 pending in the court of Chief Judicial Magistrate, Begusarai with respect to all the accused persons is hereby set aside.

The application stands allowed with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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