

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41643 of 2013

Arising Out of PS.Case No. -165 Year- 2009 Thana -BARBIGHA District- SEKHPURA

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1. Prince Kumar Son Of Raj Ballabh Das Resident Of Village - Samas Buzurg P.S.-
Barbigaha, Dist.-Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar
2. Lakhan Lal, son of late Dwarka Prasad Lal, resident of village - Nasib Chack,
P.S.-Barbigaha (Mission OP.) Dist.-Sheikhpura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anisur Rahman, Adv.

For the State : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of
cognizance dated 29.11.2011 passed by the Chief Judicial Magistrate,
Sheikhpura, in Barbigaha P.S. Case No. 165 of 2009.

The case of the Informant is that his grand daughter had
been kidnapped by the accused persons. Subsequently, the alleged
victim came for protection before this Court and it appears that now
the girl and the Petitioner are living in their matrimonial home and
two children have also been born out of the wedlock. The order sheet
of the Court below also reveals the above situation.

Considering that in the event the trial will be a futile

exercise, the application is allowed and the Proceeding including the order of cognizance dated 29.11.2011 passed by the Chief Judicial Magistrate, Sheikhpura, in Barbigha P.S. Case No. 165 of 2009, is hereby, set aside.

(Anjana Prakash, J)

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