

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49143 of 2012

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

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1. Jay Nandan Yadav S/O Late Sitaram Yadav Resident Of Village- Bichhwan,
P.S.- Sikandra, District- Jamui

2. Bishundeo Yadav S/O Late Sitaram Yadav Resident Of Village- Bichhwan, P.S.-
Sikandra, District- Jamui

.... Petitioner/s

Versus

1.The State Of Bihar
2. Ram Pyari Devi W/O Late Rameshwar Ravidas Resident Of Village- Bichhwan,
P.S.- Sikandra, District- Jamui

.... Opposite Party/s

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-09-2015

The Petitioners seek quashing of the order dated 19.09.2012 passed by Ist Additiional Sessions Judge, Jamui in SC/ST Case No.24 of 2012 arising out of Sikandra P.S.Case No.273 of 2009 by which he has refused to discharge the petitioners.

The case of the Informant is that on the date of occurrence about 20-25 persons armed with deadly weapons arrived at her house and started abusing her and committed theft of her personal property. They also removed the hutment and hence the present complaint has been filed.

It has been submitted on behalf of the Petitioners that four years after the present complaint, the First Information Report was registered and from the fact narrated by the Complainant, it appears

that there was some kind of illegal occupation by the Informant which was sought to be removed by the accused persons which has led her to institute the present First Information Report with charges of theft and assault.

Notices have been issued to the Opposite Party No.2 but none appears on her behalf.

Having considered the facts of the case I am inclined to hold that the prosecution of the present Petitioners is unwarranted.

Hence, the order of non-discharge dated 19.09.2012 passed by Ist Addtiional Sessions Judge, Jamui in SC/ST Case No.24 of 2012 arising out of Sikandra P.S.Case No.273 of 2009 is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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