

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48236 of 2012

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

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1. Vir Bahadur Singh,
 2. Lal Bahadur Singh, both S/O late Uma Shankar Singh, resident of village-Sijhulsa Khurd, P.S.- Ramgarh, District- Kaimur At Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar
2. Kapil Deo Ram, son of Munni Ram, resident of village-Sijhua, Tola Kalani, P.S.-Ramgarh, District- Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. L. K. Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-08-2015

No one appears on behalf of the Opposite Party No.2 on repeated dates.

The Petitioners seek quashing of the order of cognizance dated 16.03.2012 passed by the Chief Judicial Magistrate, Bhabhua, Kaimur, in Ramgarh P.S. Case No.109 of 2011.

The case of the Informant is that he belongs to Scheduled Castes and he had deposited a sum of ₹1,75,000/- in the account of the Petitioner No.1 for purchase of a piece of land. He also gave some money in cash but he did not execute the Sale Deed. When the villagers intervened, the Petitioner No.1 executed a Sale Deed with regard to only part of the land. When he went to ask for an explanation, he was abused.

It has been submitted on behalf of the Petitioners that after due investigation the case ended in Final Report. In such circumstances, oral allegation of any kind of the Informant should not be relied upon.

Having gone through the facts of the Complaint Petition, I would be inclined to hold that essentially it appears to be a case of civil dispute and rest of the charges of abuse etc. appear to be embellishment.

Accordingly, the order of cognizance dated 16.03.2012 passed by the Chief Judicial Magistrate, Bhabhua, Kaimur, in Ramgarh P.S. Case No.109 of 2011 is hereby set aside.

The application stands allowed.

However, this order shall not prejudice any party in any manner.

(Anjana Prakash, J)

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