

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3009 of 2016

Arising Out of PS.Case No. -1214 Year- 2010 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Rajiv @ Lukesh
2. Sarvesh Mahto
Both are sons of Kapildeo Prasad, resident of Village- Adarsh Nagar
Harnaut, PS.- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Indra Devi Wife of Devendra Singh resident of Village- Mohalla Dak
Bangla Road, Harnaut, P.S.- Harnaut, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha
For the Opposite Party/s : Mr. M.Alam(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioner has raised the grievance
that Indra Devi, the complainant of Complaint Case No. 1214C of
2010 has lodged the case against five persons and for the same
incident her husband has also lodged the Police case as Harnaut
P.S. Case No. 215 of 2010 against four persons.

The counsel for the petitioners has raised grievance
that for the same occurrence, two persons have made accused and
at two places, the cases lodged should not proceed separately,
which will cause prejudiced to the petitioners.

The petitioner is right, he cannot be put to incarceration twice for the same offence.

The Magistrate would examine the matter and if it is found that both the cases have been lodged for the same accident, will exercise the power under section 210 Cr.PC for amalgamation of both the cases. The petitioner should not be harassed twice for same incident.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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