

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27127 of 2014

Arising Out of PS.Case No. -995 Year- 2000 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Dilip Kumar Mandal S/o Malhu Mandal, Resident of Bela Shankar, P.S. University, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mahi Mandal S/o Kishore Mandal, Resident of Sakarwara, P.S. Gaighat, District Muzaffarpur, Present address resident of Brahmpura, P.S. Brahmpura, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate

For the Opposite Party/s : Mr. Nirmal Kr. Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-05-2016

The Petitioner seeks quashing of the order of cognizance dated 5.8.2000 passed by the Judicial Magistrate, 1st class, Muzaffarpur in Complaint case No.995 of 2000 corresponding to Trial No.2654 of 2013.

The case of the Complainant is that on the date of occurrence the Petitioner borrowed his bicycle but did not return him and hence the present Complaint.

It has been submitted that the Petitioner lives in Darbhanga, whereas the present occurrence is said to have taken place in Muzaffarpur which is improbable. Moreover Annexures 2 and 3 reveal that at that point in time the Petitioner was in judicial custody

in connection with another case at Darbhanga.

On the last occasion, notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Considering the aforesaid, the application is allowed and the proceeding including the order of cognizance dated 5.8.2000 passed by the Judicial Magistrate, 1st class, Muzaffarpur in Complaint case No.995 of 2000 corresponding to Trial No.2654 of 2013 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	
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