

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42358 of 2015

Arising Out of PS.Case No. -2701 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Mahendra Choudhary S/o Late BAlmukund Choudhary Resident of
Village- Lohiya Nagar Ward No. 28, P.S. Begusarai Town, District
Begusarai.

.... Petitioner

Versus

1. Onkar Singh S/o Late Ramji Singh
2. Kumkum Devi W/o Onkar Singh
3. Devendar Pd. Singh S/o Sri Ram Swaroop Singh
4. Archana Devi W/o Rajeev Nayan @ Bablu
5. Rajeev Nayan @ Bablu S/o Mahendar Pd. Singh.
6. Chhoti Kumari
7. Pinku Devi Both daughter's of Devendar Pd. Singh
8. Chandan Kumar S/o Devendar Pd. Singh
9. Shilam Devi W/o Navin Kumar Singh
10. Navin Kumar Singh S/o Not known All are residents of Village- Lohiya
Nagar, P.S.- Begusarai Town District Begusarai.
11. Ram Shankar Singh Indawani S/o Rajendar Rajeshr resident of Village
Bahadarpur P.S. Begusarai Muffasil District Begusarai.
12. Shashi Bhushan Singh @ Nepo Singh S/o Late Ram Lakhan Singh
resident of Village Khamhar P.S. Begusarai Muffasil District- Begusarai.
13. The State of Bihar.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Ram Sumiran Singh, Advocate.
For the State : Mr. Atul Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is a petition for quashing the order dated
26.05.2015 passed by the learned Ad-hoc Additional District &
Sessions Judge-II, Begusarai, in Criminal Revision No. 211 of

2014 by which he has confirmed the order of Shri Rajeev Kumar-IV, Judicial Magistrate-1st Class, Begusarai, in Complaint Case No. 2701C of 2012 by which he has dismissed the complaint dated 06.05.2014 under Section 203 of Cr.P.C.

3. The prosecution case as alleged that all the accused persons came and entered in the house of the complainant and pointed pistol on the complainant and his wife and asked for jewellery and threatened to kill. Thereafter, the wife of the complainant started hulla, then they pointed pistol in the mouth of the complainant and threatened to fire and assaulted by butt of the pistol to the complainant and alleged to have took away Rs. 35,000/-, 5 Bhari gold, 5 synthetic sarees and damaged the glass of the house.

4. The complainant and witnesses have examined on Solemn Affirmation. However, in their evidence it was found that there was enmity between the parties. Admitted fact that accused persons are neighbourer of the complainant and there was dispute between the parties even a case is going on between the parties. Hence, the complaint petition has been dismissed by the learned Judicial Magistrate as well as learned Additional District & Sessions Judge.

5. Hence, having regard to the fact I do not find any merit to interfere with the order of the learned Judicial Magistrate as well as learned Sessions Judge.

6. As a result, the petition is dismissed.

(Gopal Prasad, J)

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