

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.105 of 2011

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Dinesh Thakur, son of Shri Surendra Thakur, resident of village Shri Krishnapur,
P.O. Bakhara, P.S. Saraiya, Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Sharma, son of late Balijee Sharma, r/o village Bishunpur, P.S. Saraiya, Distt. Muzaffarpur at Mukhiya of the Panchayat Raj Ambara Tej Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the State : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-03-2016

Heard learned counsel for the Petitioner and the State.

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

The Petitioner seeks quashing of the order of cognizance dated 3.11.2010 passed by the Sub Divisional Judicial Magistrate, West Muzaffarpur, in Saraiya P.S. Case No. 12 of 2010/Trial No. 2353 of 2010.

The case of the Informant is that on the date of occurrence, while he was returning home, the accused persons waylaid and threatened him that they would be killed if rangdari was not paid to them. It appears that after due investigation, Final Report was submitted in the matter since it was found that the dispute was between the present and the defeated Mukhiya who were the

Petitioner and the informant respectively.

Submission is that the allegations against the Petitioner are absurd and do not inspire confidence. In fact, the Police had also recommended against the Informant under Sections 182 and 211 Cr. P.C.

Having considered the nature of allegations and the position of the Petitioner, the application is allowed and the Proceeding including the order of cognizance dated 3.11.2010 passed by the Sub Divisional Judicial Magistrate, West Muzaffarpur, in Saraiya P.S. Case No. 12 of 2010/Trial No. 2353 of 2010, is hereby, set aside.

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(Anjana Prakash, J)

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