

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.42467 of 2010**

Arising Out of PS.Case No. -0 Year- null Thana -null District- BUXAR

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Amar Singh son of late Kesho Singh Resident of village Amarpur P.S. Nawanager Buxar.

.... .... Petitioner/s

Versus

1. State of Bihar.
2. Ramjee Upadhayay son of late Radha Krishna Upadhayay.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

ORAL JUDGMENT

**Date: 29-03-2016**

The petitioner seeks quashing of the order of cognizance dated 05.04.2004 passed by the Judicial Magistrate 1<sup>st</sup> Class, Buxar in Complaint Case No. 200C of 2002/2428 Tr.10.

The case of the complainant is that on the date of occurrence when he had gone to purchase some bullocks the accused persons surrounded him and assaulted as also took away money from his possession.

It has been submitted on behalf of the petitioner that in fact for the same occurrence a case under Section 395 was instituted against the complainant and others vide Nawanagar P.S. Case No. 39 of 2002 as also Nawanagar P.S. Case No. 40 of 2002. It is in order to save himself from the vagaries of the said prosecution the present complaint has been maliciously filed.

Having considered the background facts of the case, the application is allowed and the order of cognizance dated 05.04.2004 passed by the Judicial Magistrate 1<sup>st</sup> Class, Buxar in Complaint Case No. 200C of 2002/2428 Tr.10, is hereby set aside.

**(Anjana Prakash, J)**

Prakash/-

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