

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47928 of 2012

Arising Out of PS.Case No. -792 Year- 2008 Thana -null District- NALANDA (BIHARSHARIFF)

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1. Mahendra Mahto son of late Guru Prasad Mahto, resident of village Tona Lodipur, P.S. Nagarnausa, District Nalanda
 2. Rudal Jamadar son of late Khodu Jamadar, resident of village Mahammadpur, P.S. Nagarnausa, District Nalanda
 3. Bala Jamadar son of Budhani Jamadar, resident of village Mahammadpur, P.S. Nagarnausa, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Parmanand Prasad son of Ramji Prasad, resident of village Mohiuddinpur, P.S. Nagarnausa, District Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.K. Sinha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-02-2016

The Petitioners seek quashing of the order, on remand by the Revisional Court, dated 2.6.2012 passed by the Judicial Magistrate, 1st class, Hilsa, Nalanda in Complaint case No.792C of 2008.

The case of the Complainant is that on the date of occurrence the accused persons came variously armed and committed theft of his personal property.

It has been submitted on behalf of the Petitioners that fact of the matter is that no such occurrence took place and the present Complaint has been filed only because of a complaint having been

filed by Naresh Prasad, full brother of Bhola Yadav against the Complainant and others vide Complaint case No.172C of 2005. It has further been submitted that cognizance was taken in the matter even against one Bhola Yadav, who was already dead, which shows total non-application of mind.

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

Having considered the absurd nature of allegations, the application is allowed and the proceeding including the order dated 2.6.2012 passed by the Judicial Magistrate, 1st class, Hilsa, Nalanda in Complaint case No.792C of 2008 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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