

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44148 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHABHUA (KAIMUR)

- =====
1. Ram Briksh Singh @ Rambriksh Yadav s/o Gudari Singh.
 2. Hakim Singh @Hakim Singh Yadav, son of late Shobh Nath Singh@Shobhnath Yadav.
 3. Ram Niwas Yadav @Ram Niwas Singh son of Ram Briksh Yadav.
 4. Ram Ashish Singh @Ram Ashish Yadav son of Gudari Yadav
 5. Brahma Yadav @Brahma Singh Yadav son of Ganga Singh

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Prasad Singh Yadav son of Bishunath Singh Yadav.

.... 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 petitioners seek quashing of the order of cognizance dated 21.07.2010 passed in Complaint Case No. 375 of 2010 corresponding to Trial No. 1853 of 2010 by the Judicial Magistrate 1st Class, Bhabua also order dated 02.11.2010 passed by the Sessions Judge, Kaimur (Bhabua) in Criminal Revision No. 77 of 2010

The case of the complainant is that on the date of occurrence the accused persons came to his house on the pretext that his wife was unwell. Petitioner no. 1 asked his daughter- in- law to accompany him and they left stealing some ornaments and cash.

Submission on behalf of the petitioners is that the daughter

of the Petitioner no. 1 was married to the son of the complainant and since she was tortured Misc. Case No. 106 of 2010 was filed before the A.C.J.M, Gaya on 18.03.2010. It is only as a backlash that the present complaint was filed with absurd allegations.

On the other hand counsel for the complainant submits that since the petitioners had stolen his house hold articles they should be put on trial.

Considering the background facts I would be inclined to hold that the present complaint is malicious and deserves to be set aside. Hence the application is allowed and the order of cognizance dated 21.07.2010 passed in Complaint Case No. 375 of 2010 corresponding to Trial No. 1853 of 2010 by the Judicial Magistrate 1st Class, Bhabua and also order dated 02.11.2010 passed by the Sessions Judge, Kaimur (Bhabua) in Criminal Revision No. 77 of 2010 are hereby set aside.

(Anjana Prakash, J)

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