

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.788 of 2006

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1. Bindeshwari Prasad Singh @ Bindeshwari Prasad Sinha, son of late Shyama Charan Prasad Singh, r/o villager & P.O. Riga, Distt. Sitamarhi.
 2. Binod Kumar Pandey, son of late Ram Deo Prasad Pandey, r/o Arwakothi, P.O. & P.S. Nagara, Distt. Saran (Chapra).
 3. Subodh Kumar Shahi, s/o late Ram Bihari Shahi, r/o village Panthpakar, P.S. Bathnaha, Distt. Sitamarhi.

.... Petitioner/s

Versus

State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushkar Narain Shahi, Adv.

For the State : Mr. A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-06-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks revision of the order dated 8.8.2006 passed by the Sub Divisional Judicial Magistrate, Sadar, Sitamarhi, in G.R. Case No. 1153 of 2002, T.R. No. 1432 of 2006 (arising out of Sitamarhi P.S. Case no. 303 of 2002).

The case of the Prosecution is that he had a saving bank account in Sitamarhi Central Cooperative Bank, Sitamarhi Branch, from which the accused persons withdrew certain amount of money and, hence, the present Complaint.

It has been submitted on behalf of the Petitioners that in fact, the son of the Informant was himself involved in withdrawing the money from the account of his father for which Sitamarhi P.S.

Case No. 235 of 2002 was instituted by the Petitioner No. 1 against him. It is only in order to save his own son, the present First Information Report was instituted with false allegations.

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

Having considered the facts and circumstances of the case and that there is no cogent proof in support of the fact that the Petitioners had signed the withdrawal form and withdrawn the amount from the account of the Informant, the application is allowed and the Proceeding including the order dated 8.8.2006 passed by the Sub Divisional Judicial Magistrate, Sadar, Sitamarhi, in G.R. Case No. 1153 of 2002, T.R. No. 1432 of 2006 (arising out of Sitamarhi P.S. Case no. 303 of 2002), is hereby, set aside without prejudice to the right of the Parties.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
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