

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42119 of 2010

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

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1. Bhudeo Das son of Betu Das, resident of village Badiya, P.O. Kiyazore, P.S. Chandramandi, Distt. Jamui at present posted at Acting Head Master Utkaramit Middle School, Bandhaura, P.S. Gidhaur, Distt. Jamui
 2. Sada Nand Singh son of late Sukhdeo Singh, resident of village Sahur, P.S. Suryagarha, Distt. Lakhisarai at present posted in Middle School Sahur, P.S. Suryagarha, District Lakhisarai
 3. Satyendra Kumar Rai @ Satyendra Kumar Sharma son of late Jai Narayan Rai, resident of village Sargun Charghara, P.S. Chakai, Distt. Jamui at present posted as Panchayat Sevak Moura Gram Panchayat, P.S. Gidhaur, District Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Narayan Yadav S/o late Sarif Yadav, resident of village Moura, Tola Dulampur, P.S. Gidhaur, District Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Kumar Keshri, Advocate

For the Opposite Party/s : Mr. Shailendra Kr. Singh, APp

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2016

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

The Petitioners seek quashing of the order of cognizance dated 17.1.2009 passed by the court of Mr. M.A. Karim, J.M., 1st class, Jamui in Complaint case No.722C of 2008 arising out of Lakshmipur P.S. case No.97 of 2007 (G.R. No.822 of 2007).

The case of the Complainant is that he and another lady were elected as Secretary and President of Siksha Samiti of Dulampur Primary School and a joint account was opened, in which there was a certain amount of money. However, the accused persons in conspiracy

with each other forged the signatures and drew some money from the account and misappropriated it.

It has submitted on behalf of the Petitioners that after this grievance was made the police investigated into it and did not find it correct, so it submitted final report with a recommendation that the Informant be proceeded against under Sections 182 and 211 I.P.C. It is then that the Complainant filed protest petition so as to screen himself from prosecution under Sections 182 and 211 I.P.C.

Having gone through the bald, uncorroborated and unilateral allegations, which would be impossible to prove during trial, the application is allowed and the proceeding including the order of cognizance dated 17.1.2009 passed by the court of Mr. M.A. Karim, J.M., 1st class, Jamui in Complaint case No.722C of 2008 arising out of Lakshmipur P.S. case No.97 of 2007 (G.R. No.822 of 2007) is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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