

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35517 of 2013

Arising Out of PS.Case No. -1344 Year- 2010 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

- =====
1. Arjun Chaudhary, Son of Late Saryug Chaudhary, Resident of Khanta Patori, P.S.- Bilhanpur, Distt.- Darbhanga, At Present Resident of Kalisthan Saidnagar Laheriasarai, District- Darbhanga
 2. Mahendra Prasad Yadav, Son of Ram Prakash Yadav, Resident of Vishnupur Malahtoli, P.S.- Samastipur (Muffassil), District- Samastipur

.... Petitioners

Versus

1. The State of Bihar
2. Mahanth Shivram Das, Son of Resident of Village- Imadpur, P.S.- Samastipur (Mufasil), District- Samastipur

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. A. Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

Date: 03-03-2016

Heard learned counsel for the petitioners and learned counsel for the State.

This application has been filed under Section 482 of the Code of Criminal Procedure for quashing the order of cognizance dated 30.05.2013 passed in Criminal Revision No. 811 of 2012 by the Court of learned Sessions Judge, Samastipur.

However, the Judicial Register taking into consideration that there is civil litigation regarding the trust ship of trust. The parties are in litigation. However, there is allegation of demand of Rangdari and for being a trust. However, the learned Sessions Judge,

Samastipur set aside the order in view of the fact that there is specific allegation of demand of Rangdari and got signed on the paper.

However, the learned counsel for the petitioners submits that there is no mention that the said sign was taken on the papers, were utilized by the petitioners.

Having regard to the facts and circumstances of the case, there is specific allegation of Rangdari and for being trust, this Court cannot at this stage go into the falsehood to the truthfulness of the statement, hence, I do not find any error to interfere in the order.

This application is, accordingly, rejected.

(Gopal Prasad, J)

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