

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 4824 of 2011

Arising out of P.S. Case No. -651 Year- 2007 Thana –
Complaint Case District- SAMASTIPUR

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MohanKumar Mangalam Son of Late Laxman Ray Mohalla
Jitwarpur Maslan Chak, P.S. - Muffasil District – Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Bibha Devi Wife of Ashok Yadav, Resident of Village - Chhechhni,
P.S. Vithan, District – Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Ranjan, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-04-2016

The Petitioners seek quashing of the order of cognizance dated 18.04.2008 passed by the Additional Chief Judicial Magistrate, Rosera, Samastipur in Complaint Case No. 651 of 2007 (Tr. No. 1804 of 2009).

The case of the Complainant is that he had contested the Gram Panchayat Election for the post of Panchayat Samiti and she had won the same. However, a case was instituted against her at the behest of her MLA and false information was published in the Newspaper.

It has been submitted on behalf of the Petitioners that even conceding that the news was published in the Newspaper it cannot be said that it was at the behest of the Petitioner. Evidently, there is political dispute between the

Complainant and some others on account of which this absurd and malicious prosecution has been instituted out of vengeance.

Considering the aforesaid, the entire proceeding as against all the accused persons including the order of cognizance dated 18.04.2008 passed by the Additional Chief Judicial Magistrate, Rosera, Samastipur in Complaint Case No. 651 of 2007 (Tr. No. 1804 of 2009) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

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