

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42747 of 2010

Arising out of P.S. Case No. -963C Year- 2008 Thana –
Complaint Case District- KHAGARIA

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Jeetendra Kumar @ Mahadeo Yadav Son of Late Bhoomi Yadav @
Bhuneshwar Prasad Yadav Resident of Village Nayagaon, Police
Station Parbatta, District Khagaria, Presently Residing in the
Mohalla of West Shimpuri Anisabad, House No. 555/1, Savita Sadan,
Police Station Gardanibagh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Baleshwar Yadav Son of Late Titu Yadav Resident of Village
Nayagaon, P.S. Parbatta, District Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-03-2016

The Petitioner seeks quashing of the order of
cognizance dated 08.03.2010 passed by the Sub-
divisional Judicial Magistrate, Khagaria in Complaint
Case No. 963C of 2008.

The case of the Complainant is that on
22.07.2008 the accused persons variously armed came to
the door of the Complainant and started to demolish his
house and also threatened and assaulted him and opened
fire.

It has been submitted on behalf of the Petitioner
that initially Parbatta P.S. Case No. 138 of 2008 was
instituted by Sunita Devi wife of accused Ashok Yadav

and five days later the present Complaint was filed in order to save himself. In this background, evidently, the present Complaint is nothing but an abuse of the process of the Court.

Having gone through the relevant documents, I am inclined to agree with the submission so raised and, hence, the proceeding including the order of cognizance dated 08.03.2010 passed by the Sub-divisional Judicial Magistrate, Khagaria in Complaint Case No. 963C of 2008 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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