

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36929 of 2012

Arising Out of PS.Case No. -523 Year- 2009 Thana -null District- SASARAM (ROHTAS)

=====

1. Arvind Pandey S/O Rama Shankar Pandey
2. Ramashish Yadav @ Sipahi Yadav @ Ram Ashish Singh Yadav S/O Late
Bhagwan Singh, both Resident Of Village Gopi Bigha, P.S. Dehri, District Rohtas.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shailesh Pratap son of late Sitaram Lal, resident of Mohalla Gajrad
(Gaurakshini) Sasaram, District Rohtas

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. S.A. Nazmi, Advocate

For the Opposite Party/s : Smt. A. Jayaswal, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-02-2016

The Petitioners seek quashing of the order of discharge dated 22.6.2012 passed by the Judicial Magistrate, 1st class, Dehri, Rohtas in connection with Dehri Town P.S. case No.523 of 2009.

The case of the Informant is that he had taken a thresher along with the Petitioner No.1 on loan having been obtained from the Bank. However, even though he had repaid his part of the money the Petitioner No.1 did not do so and instead the Petitioner No.2 threatened him of dire consequences.

It has been submitted on behalf of the Petitioners that it is indeed true that the Petitioner No.1 with the Informant had taken a thresher on loan but the entire loan amount had been repaid, which

has transpired during investigation in Paragraph 18 of the case diary wherein the Manager of the Bank was examined.

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

The A.P.P. has gone through the case diary and submits that all the witnesses have stated that the present case is false and there was no occasion for the Informant to have instituted the case.

Having considered the aforesaid, the application is allowed and the proceeding as against all the accused persons including the order of discharge dated 22.6.2012 passed by the Judicial Magistrate, 1st class, Dehri, Rohtas in connection with Dehri Town P.S. case No.523 of 2009 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

U		T	
---	--	---	--