

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38547 of 2013

Arising out of PS.Case No. -487 Year- 2011 Thana -MUZAFFARPUR Town, District- MUZAFFARPUR

- =====
1. Dhrub Narayan Thakur, son of late Satya Dev Thakur,
 2. Anita Devi, wife of Sri Dhrub Narayan Thakur,
 3. Anpurna Kumari @ Anpurna Thakur, daughter of Sri Dhrub Narayan Thakur.
 4. Tulsi Kumari @Priti Thakur, daughter of Sri Dhrub Narayan Thakur.
- All are residents of Mohalla- Nayee Bazar (Near Vidya Vivah Bhawan), P.S. Muxaffarpur Town, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 13, Adv.
Mr. Rohit Kumar, Adv.
For the Informant : Mr. Arun Kumar, Adv.
Mr. Sanjay Kumar Giri, Adv.
(Both are dispenses)
For the State : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-07-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 4.2.2013 passed by Sri Mithilesh Kumar, Judicial Magistrate, 1st Class, Muzaffarpur, in G.R. No. 3378 of 2011, Trial No. 4229 of 2013 arising out of Muzaffarpur Town P.S. Case No. 487 of 2011.

The case of the Informant is that on the date of occurrence, the accused who were his neighbours picked up a fight with her and assaulted her and also committed theft of her personal

possession.

It has been submitted that the Parties belong to common ancestors, there is eviction suit in regard to the some land. The present Criminal case has been instituted in order to coerce the Petitioners in somehow accepting the possession of the Informant.

Be that as it may, considering the genesis of the occurrence as also the petty nature of the allegations which are typical, the application is allowed and the Proceeding including the order of cognizance dated 4.2.2013 passed by Sri Mithilesh Kumar, Judicial Magistrate, 1st Class, Muzaffarpur, in G.R. No. 3378 of 2011, Trial No. 4229 of 2013 arising out of Muzaffarpur Town P.S. Case No. 487 of 2011, without prejudice to the right of the Parties, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	NAFR
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