

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41844 of 2012

Arising Out of PS.Case No. -251 Year- 2010 Thana -null District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rajendra Rai son of Raman Rai
 2. Chandrika Rai son of Late Sakhichan Rai
 3. Ravi Rai
 4. Awanish Rai both sons of Rajendra Rai
 5. Raman Rai son of Late Dhaneshwar Rai
 6. Sanjhari Devi W/O Rajendra Rai
 7. Malti Devi W/O Chandrika Rai, all residents of Vill.-Pachpokhariya, P.S.-
Chhauradano (Mahuawa), Dist.-East Champaran

.... Petitioner/s

Versus

1. State Of Bihar
2. Kalawati Devi W/O Shivji Rai, R/O Vill.-Pachpokhariya, P.S.-Chhauradano
(Mahuawa), Dist.-East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A. Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-02-2016

The Petitioners seek quashing of the order of cognizance dated 5.5.2011 passed by the Sub Divisional Judicial Magistrate, Raxaul at Motihari in Complaint case No.251 of 2010 giving rise to Trial No.1803 of 2012.

The case of the Complainant is that the accused persons started to charge her with being a witch and forced her to drink human excreta.

It has been submitted on behalf of the Petitioners that in

fact the parties, who are agnates, are on litigating terms from before and present case has been filed only with a view to vent her ire.

On the last occasion, notices had been issued to the Opposite Party No.2 but despite service of notice she has chosen not to appear before this Court.

Having considered the facts of the case and the background dispute, the application is allowed and the proceeding including the order of cognizance dated 5.5.2011 passed by the Sub Divisional Judicial Magistrate, Raxaul at Motihari in Complaint case No.251 of 2010 giving rise to Trial No.1803 of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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