

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42890 of 2010

Arising out of P.S. Case No. -712 Year- 2008 Thana –
Complaint Case District- PATNA

- =====
1. Amit Kumar.
2. Sumit Kumar @ Sumit Kumar Verma. Both sons of late Satyapal Verma, Resident of Village-Nakashpind, P.S. Malsalami, District-Patna. Petitioner/s
- Versus
1. The State of Bihar.
2. Bhola Prasad, Son of Ram Prasad Yadav, Resident of Mohalla-Noorpur, P.S.-Malsalami, Town and District-Patna. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Laxmi Narayan Das, 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 Petitioners seek quashing of the order dated 23.07.2010 passed by the Sessions Judge, Patna in Cr. Rev. No. 1017 of 2010 by which it has confirmed the order dated 06.10.2009 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Complaint Case No. 712 of 2008.

The case of the Complainant is that while he along with Dharmendra Kumar was going home the accused persons stopped him and then they pointed a pistol on him and grabbed his personal possession.

It has been submitted on behalf of the Petitioners that on 23.08.2008 the Petitioner No. 1, Amit Kumar had given a written information to Didarganj Police Station that the brother of the Complainant was

given a contract for filling the earth soil upon the plot of the Petitioner but he came with anti-social elements and demanded “rangdari” on account of which Didarganj P.S. Case No. 89 of 2008 was instituted in which the brother of the Complainant was charge-sheeted. When the said case was instituted the brother of the Complainant namely Manoj Kumar filed Complaint Case No. 701 of 2008 against the Petitioners which was also dismissed under Section 203 Cr.P.C. on 23.12.2008. In the meanwhile, the present Complaint was filed also with absurd allegations and only in order to coerce the Petitioner No. 1 to withdraw the case filed against the brother of the Complainant.

Having considered the aforesaid and the documents filed herein, the entire proceeding including the order dated 23.07.2010 passed by the Sessions Judge, Patna in Cr. Rev. No. 1017 of 2010 by which it has confirmed the order dated 06.10.2009 passed by the Judicial Magistrate, 1st Class, Patna City, Patna in Complaint Case No. 712 of 2008 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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