

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10840 of 2013

Arising Out of PS.Case No. -177 Year- 1997 Thana -LAHERIASARAI District- -

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1. Shiva Kumar Sahani,
 2. Raj Kumar Sahani, both son of late Thako Sahani,
 3. Pappu Sahani @ Manish Raj, S/O Raj Kumar Sahani,
 4. Satrohan Sahani, S/O Soney Lal Sahani, (servant of Shiva Kumar Sahni), all R/O Mohalla- Bakarganj, P.S.- Laheria Sarai, District- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. Harihar Rajak, son of late Shankar Rajak, resident of Mohalla- Bakarganj, P.S.- Laheriasarai, District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Sinha, Advocate

For the Opposite Party/s : Mr. R. B. Roy 'Raman', APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-02-2016

The Petitioner seeks quashing of the order of cognizance dated 02.03.2001 passed by the Additional Chief Judicial Magistrate, Darbhanga, in Laheriasarai P.S. Case No.177 of 1997 by which he has taken cognizance after Laheriasarai P.S. Case No.177 of 1997 was reinvestigated by the Police Officer of the rank of the Dy. S. P.

The case of the Informant is that on the date of occurrence the accused persons entered into his house, humiliated and assaulted him.

It appears that the Informant is now dead and there was

a land dispute between the parties which is evident from the fact that First Appeal No.333 of 1978 is pending before the Patna High Court. In this background, the present allegation appears to be frivolous and unbelievable.

Having considered the aforesaid, the order of cognizance dated 02.03.2001 passed by the Additional Chief Judicial Magistrate, Darbhanga, in Laheriasarai P.S. Case No.177 of 1997 is hereby set aside.

The application stands allowed.

(Anjana Prakash, J)

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