

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37726 of 2014

Arising Out of PS.Case No. -90 Year- 2010 Thana -PHULWARI District- PATNA

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1. Ajeet Kumar Sinha, son of late Sukeshwar Prasad Ambstha, resident of Flat No. 517, Block – D, Jyotipuram Apartment, Jagdeo Path, P.S. Shastri Nagar, Distt. Patna.
 2. Ramesh Kumar, son of Dharam Deo Rai, resident of village Janipur, P.S. Janipur, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar, son of Sri Yogendra Rai, resident of village Phulia Tola, P.S. Phulwarisharif, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma, Adv.

For the State : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-03-2016

Heard learned counsel for the Petitioner and the State.

No one appears on behalf of the Opposite Party No. 2.

The Petitioners seek quashing of the order of cognizance dated 3.8.2010 passed by the Judicial Magistrate, 1st Class, Patna, in connection with Phulwari Sharif P.S. Case No. 90 of 2010 corresponding to G.R. No. 895 of 2010.

The case of the Informant is that when his Manager was ploughing his land, the accused persons came upon the same and started to abuse and assaulted as also cut branches of his mango tree.

The counsel for the Petitioners submits that in fact, LPG Gas Godown of Hindustan Petroleum Limited is operated by the

Petitioner No. 1 which was given in her favour by the uncle of the Informant by a registered and written agreement. He being aggrieved with such a transaction instituted the present First Information Report.

It appears that the Petitioner No. 1 had also instituted Phulwari Sharif P.S. Case No. 89 of 2010 against the Informant and his family members with more ore less similar allegations.

Having considered the genesis of the occurrence and the reason for dispute, in the interest of the Parties, further Proceedings including the order of cognizance dated 3.8.2010 passed by the Judicial Magistrate, 1st Class, Patna, in connection with Phulwari Sharif P.S. Case No. 90 of 2010 corresponding to G.R. No. 895 of 2010 and Phulwari Sharif P.S. Case No. 89 of 2010 pending before the Judicial Magistrate, 1st Class, Patna, are hereby, set aside.

With aforesaid observation, the application stands disposed off.

(Anjana Prakash, J)

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