

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38151 of 2014

Arising Out of PS.Case No. -875 Year- 2001 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

- =====
1. Musafir Yadav @ Mosafir Singh
 2. Raj Kumar Yadav
- Both are Sons of Sarju Yadav, Resident of Mohalla- Purani Sahar, Ward No.- 03, Daudnagar, P.S.- Daudnagar, District- Aurangabad
- Petitioner/s
- Versus
1. The State of Bihar
 2. Vijay Kumar Bariyar, Son of Late Bageshwari Prasad, Purani Sahar, Ward No.- 02, Daudnagar, P.S.- Daudnagar, District- Aurangabad
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 25-08-2017

Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners, by way of this application, seek quashing of order dated 24.07.2014 passed by Sri Binay Shankar, Judicial Magistrate-1st Class, Daudnagar in Complaint Case No. 875 of 2001 whereby discharged petition filed by them was rejected.

3. Learned counsel for the petitioners submits that learned Magistrate has not applied his mind and not perused the material on record that the charges levelled against them are groundless. The so-called compromise petition is now challenged by the cousin of the executant and it was not challenged by his son, who



is alive.

4. Contrary to that, learned counsel appearing on behalf of the complainant submits that there is specific allegation and material adduced during enquiry that the petitioners have brought into existence a forged compromise petition purported to be filed by his uncle to their joint property. On the basis of forged compromise the appeal was decided in favour of the other side.

5. Having considered the rival submissions and on perusal of record including the complaint petition and other material, this Court finds that charges are not groundless. This application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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