

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8923 of 2014

Arising Out of PS.Case No. -2607 Year- 2011 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Awadh Mahto Son Of Late Ramlagan Mahto
2. Sonu Kumar Son Of Awadh Mahto @ Awadh Rai Both Are Resident Of
Village - Jasparha, P.S. Tisiauta, District - Vaishali

.... Petitioners

Versus

1. The State Of Bihar
2. Satyanarayan Rai Son Of Late Ramdhara Rai Resident Of Village - Jasparha,
P.S. Tisiauta, District - Vaishali

.... Opposite Parties

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Appearance :
For the Petitioners : Mrs. Bela Singh, Advocate
For the State : Mrs. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT
Date: 21-07-2017

The petitioners have filed this application under Section 482 of the Code of Criminal Procedure for setting aside the order dated 18.12.2012 passed by Judicial Magistrate 1st Class, Vaishali in Complaint Case No.2607 of 2011 whereby he has taken cognizance of the offence under Sections 323, 504 and 406 of the Indian Penal Code.

2. Learned counsel for the petitioners submits that petitioner no.1 had returned the money deposited by the complainant in his account a way back in the year 2000. Petitioner no.1 does not owe any money to the complainant whereas learned counsel appearing on behalf of the State submits that in panchayati he admitted that the



money deposited by the complainant in his account would be returned back but the same was not returned. Thereafter, the complaint was filed.

3. The allegation is that the complainant used to deposit his money in the Bank account of the petitioner no.1 a co-villager for purpose of construction of a house. When he asked to return back his money he not only abused rather accused persons assaulted also.

4. Having considered the rival submission and considering material on record prima facie case of breach of trust and other offences are made out against accused persons, so there is no ground for interfering with the impugned order. The petition stands dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31-07-2017
Transmission Date	31-07-2017

