

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49461 of 2013**

Arising Out of PS.Case No. -47 Year- 2013 Thana -GAYA KOTWALI District- GAYA

- =====
1. Braj Kishore Prasad S/O Late Khaderan Ram Resident Of Mohalla- Chanakyapuri Colony, Police Station- Rampur, District- Gaya
  2. Suraj Kishore Prasad @ Chintu S/O Braj Kishore Prasad Resident Of Mohalla- Chanakyapuri Colony, Police Station- Rampur, District- Gaya
  3. Sunita Devi W/O Sanju Kumar Resident Of Mir Safait Road, Police Station- Kotwali, Distt.- Gaya
  4. Sanjay Kumar S/O Ganga Ram Resident Of Mir Safait Road, Police Station- Kotwali, Distt.- Gaya

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Santosh Kumar S/O Nagendra Prasad Resident Of Mohalla- Gosai Bag, Station Road, P.S.- Kotwali, District- Gaya.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar  
For the Opposite Party/s : Mr. Sunil Kumar Pandey (App)

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      16-01-2017      A supplementary affidavit has been filed on behalf of the petitioners.

Heard learned counsel for the petitioners as well as the State. No one appears on behalf of the opposite party No. 2 although Vakalatnama has already been filed.

The petitioners are accused in connection with Gaya Kotwali P.S. Case No. 47 of 2013 registered under Sections 341,323,379 and 506 of the Indian Penal Code on the written report of Opposite Party No.2, Santosh Kumar. The petitioner No. 1 Braj Kishore Prasad had filed Rampur P.S. Case No. 56 of



2014 against Nagendra Prasad and Sudhir Kumar, the father and the brother respectively of opposite party No. 2 for offences under Sections 406,420,323504 and 506 of the Indian Penal Code. Nagendra Prasad and others challenged the cognizance order dated 19.1.2015 in Rampur P.S. Case No. 56 of 2014 in Cr. Misc. No. 17794 of 2015 and the petitioners have challenged the cognizance order in Gaya Kotwali P.S. Case No. 47 of 2013 in the present application.

Both the parties have filed their compromise petitions before the court below as the offences alleged are compoundable.

On the basis of the compromise, a co-ordinate Bench of this Court has quashed the cognizance order as well as the entire criminal proceedings arising out of Rampur P.S. Case No. 56 of 2013 by order dated 5.4.2016 passed in Cr.Misc. No. 17794 of 2015 and by the same order the parties were allowed liberty to file appropriate application in this Criminal Miscellaneous petition in the light of the resolution of their disputes.

Thereafter by filing supplementary affidavit, the order dated 5.4.2016 passed in the aforesaid Criminal Miscellaneous Case No. 17794 of 2015 has been brought on the



record as Annexure-1 and the compromise petition filed in the court of learned ACJM-II, Gaya in Kotwali P.S. Case No. 47 of 2013 has been brought on the record as Annexure-2 to the supplementary affidavit.

After hearing the parties and considering the aforesaid facts the impugned order dated 26.7.2013 taking cognizance against the petitioners is hereby quashed and this application stands allowed.

**(Birendra Kumar, J)**

S.Pandey/-

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