

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.303 of 2009**

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1. Md. Kasim, Son of Late Abdul Shakoor.  
2. Md. Naeem @ Naiyamuddin, Son of Late Abdul Shakoor.  
Both are residents of village- Chilahaniya, P.S.- Mahalgaon (Jokihat),  
District- Araria

... .. Petitioner/s

Versus

1. State Of Bihar  
2. The District Magistrate, Araria.  
3. The Sub-Divisional Officer, Araria.  
4. The Sub-Divisional Judicial Magistrate, Araria.

... .. Respondent/s

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**Appearance :**

For the Petitioners : Mr. Dharendra Kumar Jha 2, Advocate  
For the Respondents : None

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

9      20-02-2023                      Heard learned counsel for the petitioners and none  
appears for the opposite parties.

This application has been filed for quashing the entire  
proceeding of C.C. No. 153 of 1999 in the court of S.D.J.M,  
Araria in which the petitioners have been made accused under  
Sections 409, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a  
case of double jeopardy. Earlier a Complaint Case No. 172 of  
1988 was filed in which the petitioners have been convicted and  
they further submit that the present case is for the same  
allegation bearing Complaint Case No. 153 of 1999.

Learned counsel for the petitioners has taken this



Court to Annexure 7 and 8 which is the complaint and judgment by which the petitioners were convicted.

In the opinion of this Court, the second petitioner cannot be tried for the same offence again and in these circumstances this application is allowed.

**(Sandeep Kumar, J)**

Harsh/

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