

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34388 of 2015

Arising Out of PS. Case No.-121 Year-2009 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Rakesh Rai @ Rakesh Kumar Roy S/o Shree Bhola Rai Resident of Village
Kasian, P.S. Dumraon, District Buxar.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Kiran Singh D/o Shree Krishna Singh Resident of Village and P.O.
Dharupur, P.S. Bikramganj, District Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh

For the Opposite Party/s : Mr.Ashok Kumar Singh App

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

6 19-06-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

This application is filed for quashing the order dated
18.01.2023 passed by learned Judicial Magistrate, 1st Class,
Suharasa in Complaint Case No. 758 of 2002 by which the
Learned Judicial Magistrate held that the prima-facie case is
made out against the petitioner and one another for facing trial
for the offence under section 417 and 120B of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
present case arises out of complaint case and after cognizance,
the complainant has died. The learned counsel for the opposite



party no. 2 Shri Prasen Kumar submits that he is not able to contact the opposite party no. 2 but her neighbours have informed him that she has died.

In view of the death of the complainant, no useful purpose will be served by keeping the matter pending. The order dated 18.01.2023 passed by learned Judicial Magistrate, 1st Class, Suharasa in Complaint Case No. 758 of 2002 is hereby quashed.

(Sandeep Kumar, J)

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