

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36691 of 2015

Arising Out of PS. Case No.-2618 Year-2010 Thana- PATNA COMPLAINT CASE District-
Patna

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Niranjan Prasad S/o Late Jadunand Prasad resident of Maulabag, Idgahh
Road, P.S. Ara Nawada, District - Bhojpur

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sri Uday Kumar S/o Sri Nawal Kishore Prasad resident of Park Road, P.S.
Kadamkuan, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Madhuranand Jhaapp

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 13-03-2023 Heard learned counsel for the parties.

This application is filed for quashing the order of
cognizance and summoning of petitioner and others in
Complaint Case No. 2618 of 2010.

As per prosecution case that on 16.9.2010 at about
1:20 P.M. the complainant came out of the court then some
person threatened the complainant and pushing him accused
persons fled away. At 6:00 P.M. when the complainant was
going to his home, then Rajeev Kumar, Neeranjan Prasad, S.N.
Lal and two others surrounded him near L. N. Mishra Institute
and started hurling and abuses the petitioner assaulted him by
butt of a pistol and hitting his arms and ordered other accused



persons to snatch his file and money. The accused person threatened him and left the place. The complainant also discloses Ara Nawada P.S. Case No. 186/2006 and 168/2006 against the petitioner and some irrelevant allegation against him.

Learned counsel for the petitioner submitted that one Request Case No. 12 of 2012 was decided against the witness Niraj Chaudhriyavi, who is brother of the complainant vide Hon'ble Justice Ghanshyam Prasad (retired Judge of this Court) and this case has been filed only to harass the petitioner and to force the petitioner from prosecuting with the execution of the arbitration case. Though the opposite party no. 2 has received notice and he has chosen not to appear, he is a lawyer practicing in this Court as has been submitted by learned counsel for the petitioner.

Considering the law laid down by Supreme Court in the case of *State of Haryana Vs. Bhajan Lal, 1992 Supp (1) SCC 335*, this malicious Complaint Case No. 2618 of 2010, is quashed.

(Sandeep Kumar, J)

Ranjeet/-

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