

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54068 of 2015

Arising Out of PS. Case No.-1212 Year-2015 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Birendra Kumar Singh and Ors. son of Ram Janam Singh resident of village Spring Delsh School Nutan Nagar P.S. Civil Lines District Gaya
 2. Ajay Kumar Singh son of Sri Udit Narain Singh resident of Village Pindaseen P.S. Dobhi Sherghati District Gaya, At present Sidharthpuri Colony Road No.2, P.S. Muffasil District Gaya.
 3. Dharmendra Kumar son of Late Durga Singh resident of Village Rasulpur P.O. Buniyadganj P.S. Muffasil District Gaya.
 4. Devendra Singh son of Late Siddi Singh resident of Village Dunar P.O. Jhakhin P.S. Raffiganj District Aurangabad.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sanjay Singh son of Chandradeep Singh, resident of Village Mahui Post Bigha Thana P.S. Manjha District Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh
For the Opposite Party/s : Mr.S.N.Shuklaapp

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 03-08-2023 Learned counsel for the petitioner seeks and is granted permission to withdraw this application on behalf of the petitioner no. 2 as he has died.

2. Accordingly, this application is withdrawn on behalf of the petitioner no. 2.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor.

4.This application is filed for quashing the order dated



13.07.2015 passed by Judicial Magistrate, 1st Class, Saran at Chapra in complaint case no. 1212 of 2015, Examine No. 40/2015, Tr. No. 2357 of 2015 by which learned Magistrate has taken cognizance under section 323, 384, 506 of the Indian Penal Code.

5. As per prosecution story, allegation against the petitioner is of extortion of money.

6. From reading of the complaint, it appears that the present complaint has been filed at Chapra maliciously to wreckvengence upon the petitioners.

7. Learned counsel for the opposite party no. 2 has supported the prosecution case.

8. I am of the opinion that this kind of malicious prosecution should not continue.

9. Accordingly, the order dated 13.07.2015 passed by Judicial Magistrate, 1st Class, Saran at Chapra in complaint case no. 1212 of 2015, Examine No. 40/2015, Tr. No. 2357 of 2015 is hereby quashed.

(Sandeep Kumar, J)

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