

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.32474 of 2014**

Arising Out of PS.Case No. -410 Year- 2010 Thana -COMPLAINT CASE District- LAKHISARAI

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1. Uma Shankar Mahto, son of late Shiv Nath Mahto,
  2. Veena Devi @ Veena Kumari, w/o Uma Shankar Mahto,
  3. Parmeshwari Devi, w/o late Shivnath Mahto,
  4. Jaya Devi @ Jaya Sinha, w/o Vijay Mahto @ Vijay Kumar, &
  5. Vijay Mahto @ Vijay Kumar, son of late Shivnath Mahto, all resident of village-Bhirha, P.S.-Medani Chauk, District- Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar &
2. Sukhdeo Mahto, son of late Akal Mahto, resident of village-Bhirha, P.S.-Medani Chauk, District- Lakhisarai.

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

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Opposite Party/s : APP

Mr. Raj Kumar, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 07-05-2015**

1. The Petitioners seek quashing of the order of non-discharge dated 23.05.2014 passed by the Judicial Magistrate, 1<sup>st</sup> class, Lakhisarai, in Complaint Case No.410-C of 2010.

2. The case of the Complainant is that on the date of occurrence the accused persons variously armed with came into his house. They also asked him to sign on the blank paper and when he refused to do so he was beaten. The accused persons took away some boxes from the house.

3. It has been submitted on behalf of the Petitioners



that fact of the matter is that the parties are agnates and on account of land dispute the Petitioner No.3 filed Case No.84-M before the Sub Divisional Magistrate, Lakhisarai, under section 144 Cr. P. C. which has been converted under Section 145 Cr. P. C. In the said case, 19.04.20010 was the date fixed for producing documents whereafter and the present Complaint Petition was filed by the Complainant in order to assert his claim before the Court with regard to the documents having been executed by him. The allegations are purely concocted and not fit to be relied upon.

4. On the other hand, counsel for the Complainant submits that since the Petitioners acted in highhanded manner, they should be put on trial.

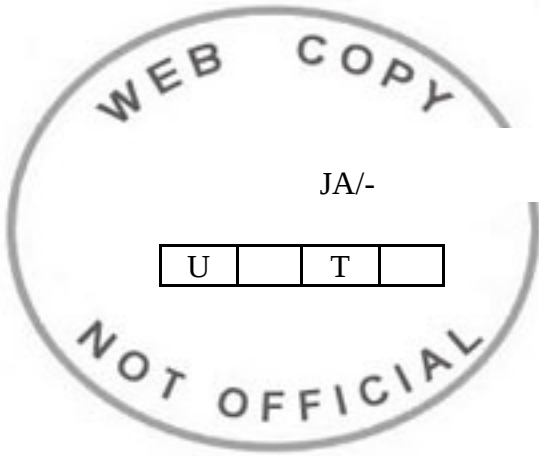
5. Having gone through the facts of the Complaint Petition, I would be inclined to accept that the allegations are false and only with a view to explain the documents which would have been produced by the accused persons in the proceeding under Section 145 Cr. P.C.

6. Hence, the order of non-discharge dated 23.05.2014 passed by the Judicial Magistrate, 1<sup>st</sup> class, Lakhisarai, in Complaint Case No.410-C of 2010 is hereby set aside.

7. The application stands allowed.

8. However, this order shall not prejudice any party in

any manner.



(Anjana Prakash, J)