

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17858 of 2011

Arising Out of PS.Case No. -966 Year- 2007 Thana -null District- MUNGER

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1. Pramod Yadav @ Pramod Kumar son of Sital Yadav
 2. Sulochana Devi wife of Pramod Kumar
 3. Abhya Kumar Bharati @ Sittu Kumar @ Abhya Kumar son of Pramod Kumar
 4. Shital Yadav son of Saryug Yadav
 5. Nawal Kishore @ Nawal Kishore Yadav son of Shital Yadav
 6. Sachin Kumar @ Dabli son of Shital Yadav, all resident of village Janki Nagar, P.S. Nayaram Nagar, District Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Binod Kumar son of Ramotar Prasad Yadav, resident of village Janki Nagar, P.S. Nagaram Nagar, District Munger

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-05-2015

The Petitioners seek quashing of the order dated 23.4.2011, by which the Sessions Judge, Munger in Criminal Revision No.80 of 2011 has affirmed the order dated 11.2.2011 passed by the Judicial Magistrate, 1st class, Munger in Complaint case No.966C of 2007, by which he has refused to discharge the Petitioners.

The case of the Complainant is that he had purchased certain piece of land upon which he was in peaceful possession. However, on the date of occurrence the accused persons came upon his land and attempted to take illegal possession of the same and when he protested he was abused and assaulted. They also committed theft of his personal possession.

It has been submitted on behalf of the Petitioners that the

dispute is with regard to land, of which both parties claim bona fide title and possession. The Petitioner No.2 had filed Mutation case No.1623 of 2006-2007, which was allowed on contest on 3.4.2007. Thereafter the Complainant filed an Appeal, which was also dismissed by the Deputy Collector, Land Reforms Sadar, Munge in Mutation Appeal No.8 of 2007-2008 on 23.5.2008. It is in this background that the present Complaint was filed apparently to use short cut method to resolve the land dispute.

On the other hand, the Counsel for the Complainant submits that he is the bona fide owner of the land and the accused persons had committed highhandedness on coming upon the same and claiming possession.

Having gone through the Complaint Petition, I am inclined to hold that the set in the background as it is, the allegations in the Complaint appear to be misplaced and only with a reason to some how settle the land dispute.

In such circumstances, the application is allowed and the proceeding including the order dated 23.4.2011 passed by the Sessions Judge, Munger in Criminal Revision No.80 of 2011 as also the order dated 11.2.2011 passed by the Judicial Magistrate, 1st class, Munger in Complaint case No.966C of 2007 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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