

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9234 of 2011

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHOJPUR

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1. Sheo Bachan Singh son of Late Basgit Singh.
 2. Brahmdeo Singh son of late Ranjit Singh.
 3. Ranjit Singh son of Late Radha Singh.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dy. Collector (Land Reforms).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Rais, Adv.

For the Opposite Party/s : Mr. K.N. Choubey, Sr. Adv.

Mr. G.S. Deubey, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-05-2015

The interlocutory application filed on behalf of Arun Kumar Jaiswal for impleadment as Opposite Party, is allowed.

The petitioners seek quashing of the order dated 01.11.2010 passed by the Sub-Divisional Judicial Magistrate, Ara in Behea P.S. Case No. 08 of 2003, G.R. No. 152 of 2003, Tr. No. 3090 of 2010 .

The case of the informant who is Circle Officer is that on some complains having been received, he looked into the records of revenue register of mutation correction cases and found that the signature of the authority did not match with each other and were in different inks and hence the petitioners who were beneficiaries, were arrayed as accused in the present first information report.

Counsel for the petitioners submits that during entire investigation there is no material to corroborate that the petitioners had in fact interpollated the records.

The case diary was called for and on perusal of the same by the learned counsel for the State he submits that the original record was lost and hence there was no question of comparing it with the duplicate records. Also the land is still in possession of the State for which two title suits are pending.

Considering such submissions and that petitioners have not benefited materially on account of the alleged interpolations, the application is allowed and the order dated 01.11.2010 passed by the Sub-Divisional Judicial Magistrate, Ara in Behea P.S. Case No. 08 of 2003, G.R. No. 152 of 2003, Tr. No. 3090 of 2010, is hereby quashed.

However, this order shall have no bearing on the title suits pending for the same cause of action in regard to title/possession over the lands in question.

(Anjana Prakash, J)

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