

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50440 of 2013**

Arising Out of PS.Case No. -235 Year- 2013 Thana -PATNA COMPLAINT CASE District-  
PATNA

=====

1. Samshad Alam @ Samsad Alam @ Md. Mintu Son Of Md. Sahabuddin  
Resident Of Village- Bazidpur, Ward No. 3, Barh, P.S.- Barh, District-  
Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Md. Nasim Son Of Abdul Mannan Resident Of Railway Station Near  
Post Office Gali, Vinod Srinagar Shop, Behind Sharan Mistri Market, Barh,  
P.S.- Barh, District- Patna  
3. Md. Eqbal Son Of Abdul Mannan Resident Of Railway Station Near Post  
Office Gali, Vinod Srinagar Shop, Behind Sharan Mistri Market, Barh, P.S.-  
Barh, District- Patna  
4. Md. Shahi Son Of Abdul Mannan Resident Of Railway Station Near Post  
Office Gali, Vinod Srinagar Shop, Behind Sharan Mistri Market, Barh, P.S.-  
Barh, District- Patna  
5. Md. Zahid Son Of Abdul Mannan Resident Of Railway Station Near  
Post Office Gali, Vinod Srinagar Shop, Behind Sharan Mistri Market, Barh,  
P.S.- Barh, District- Patna  
6. Shaiban Khatoon Wife Of Md. Nasim Resident Of Railway Station Near  
Post Office Gali, Vinod Srinagar Shop, Behind Sharan Mistri Market, Barh,  
P.S.- Barh, District- Patna

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

=====

**Appearance :**

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Anish Chandra (App)

=====

**CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD**  
**ORAL ORDER**

2      17-03-2016                      Heard learned counsel for the petitioner and the State.

This bail petition for quashing an order dated  
21.10.2013 by which the complaint case No. 235(c) has been  
dismissed under Section 203 Cr.P.C.

The prosecution case as alleged in the complaint  
petition is that on 15.3.2013 at about 5:00 P.M. the accused  
persons along with anti-social elements, were taking liquor and  
uttering filthy languages. It is further alleged that when the  
complainant prevented the accused persons to doing so, all the

accused persons including the petitioner got infuriated and abusing the complainant started to assault by fist and slaps and co-accused Nasim snatched Rs. 2,000/- and a wrist watch from the complainant. The further case is that when the complainant had asked the accused persons to vacate the premises in question, co-accused Nasim assured to vacate the same by 21.3.2013. But from the words of complainant to vacate the premises, co-accused became annoyed and created nuisance along with anti social elements. The information to this effect was given to the concern Police Station who refused to register the same and ultimately, finding no way, this complaint petition was filed in the court below.

The complainant was examined on solemn affirmation from which, it transpires that there is relationship of the land lord and tenant between the petitioner and the complainant and hence, the land lord wanted to vacate the room and tenant does not want to vacate the same and, then the case has been lodged. Whereas; on disclosure, it appears to be a case of the of civil nature. Having gone to the records learned counsel for the petitioner submitted that the case and counter case also found though the cognizance has been taken in the counter case filed by the accused persons with regard to the same occurrence. However, having regard to the facts and circumstances of the case, it is apparent from the complainant as well as the statement and there

cross-examination of the witnesses, it is crystal clear that the land lord wants to get vacated the house whereas tenant does not want to vacate and hence, I do not find any merit to interfere with the order passed by the trial court.

**(Gopal Prasad, J)**

Siddharth/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

