

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37542 of 2014

Arising Out of PS.Case No. -160 Year- 2013 Thana -GHANSHYAMPUR District- DARBHANGA

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1. Gulam Rambani @ Nanha Son of Md. Wazir
 2. Md. Jakir Hissain @ Jakir Son of Late Sajjad Ali
 3. Azaj Ahmed @ Md. Wasir, Son of Late Bhokar Ali
 4. Md. Jakir Son of Late Khuda Baks
 5. Md. Sahjahan @ Pappu Son of Late Baccha Babu
 6. Hassan Jahid @ Mitthu Son of Zakir All resident of Village - Pali, Police Station - Ghanshyampur, District-Darbhang.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madan Prasad Sahu Son of Ram Lakhan Sahu Resident of Village- Pali, Police Station - Ghanshyampur, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Jha, Advocate
For the State : Mr. Shardanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 09-08-2017

Heard learned counsel for the parties.

2. This application is filed under Section 482 Cr.P.C., 1973 seeking exercise of inherent jurisdiction of this Court for setting aside order dated 04.09.2013, passed by learned S.D.J.M., Biraul at Benipur in Ghanshyampur P.S. Case No.160 of 2013 whereby he has taken cognizance of the offence under Sections 323, 341, 447, 379 and 504/34 of the Indian Penal Code.

3. Brief fact as stated in the First Information Report is that informant after purchasing the land, details of which is mentioned in the First Information Report, was in his exclusive possession and had kept some building material for construction of the house. On the alleged day of occurrence all accused persons made protest of doing any construction and



committed theft of bamboos kept on the land and also alleged to have made demand of Rs.1,00,000/- as extortion money otherwise they would not allow to construct the house and they also assaulted the informant.

4. Learned counsel for the petitioners submits that it is a malicious prosecution in view of the fact that a civil case is pending between petitioners and vendor of the opposite party no.2 on that account they have falsely been implicated in this case. Later on they also filed compromise petition before the S.D.J.M., Biraul.

5. However, the learned counsel appearing on behalf of opposite party no.2 submits that on account of the land dispute the present occurrence was committed and there is case and counter case between both sides, police after investigation has submitted charge-sheet. He also emphatically says that no compromise was filed by the informant.

6. Having considered the rival submissions of both sides, this Court finds that the allegations levelled in the First Information Report do make out a prima facie case against accused persons and there is denial of any compromise between the parties so finding no merit, the application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
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