

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51337 of 2014

Arising Out of PS.Case No. -556 Year- 2013 Thana -COMPLAINT CASE District- LAKHISARAI

- =====
1. Harikant Singh @ Bare Singh, S/o Late Lakhan Singh, resident of village -
Barahiya Taraf Ramsen, Ward No. 9, P.S.- Barhiya, District- Lakhisarai.
.... Petitioner/s

Versus

1. The State of Bihar,
2. Mridula Devi, W/o Yugal Kishore Prasad, resident of village- Barahiya Taraf
Ram Charan, Ward No. 9, P.S.- Barahiya, District- Lakhisarai.
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Narain Sinha, Advocate
For the Opposite Party/s : Mr. Natyanand, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 29-01-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 19.12.2013 passed by the Additional Chief Judicial Magistrate, Lakhisarai, in Complaint Case No.556-C of 2013 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and another accused for the offence under Section(s) 448, 323, 380, 504 Indian Penal Code.

Counsel for the petitioner has submitted that instant case has been filed as counter blast to the case filed by this petitioner against Dilip Kumar and Mahesh Kumar @ Sippi, who was close relative of the Complainant, vide Barahia P.S. Case No.100 of 2013



due to land dispute.

In the instant complaint filed by the Complainant, it is alleged that on the date of occurrence, when Complainant was alone in the house, this petitioner and another accused entered into the house and snatched her golden chain and Bali worth rupees fifty thousand. It is also alleged that this petitioner caught hold of hand of the Complainant with another accused and attempted to take her away forcibly.

Notice was issued to the Opposite Party No.2, which has validly been served, but none appears on behalf of the Opposite Party No.2.

Counsel for the petitioner has submitted that instant case has been filed as counter blast to the case filed earlier by the petitioner against Dilip Kumar and Mahesh Kumar @ Sippi vide Barahia P.S. Case No.100 of 2013. Accused Dilip Kumar is son of *Bhaisur* of the Complainant. Instant complaint has been filed after three days of filing of the aforesaid First Information Report by the petitioner just to take revenge.

From the Complaint Petition, it appears that mere vague and general allegation has been levelled against the petitioner. The Court below in mechanical manner on the basis of statement of the witnesses recorded during enquiry has found *prima facie* case against



the petitioner and another accused for the offence under Section(s) 448, 323, 380, 504 Indian Penal Code.

This Court, on perusal of the allegation in the Complaint Petition, does not find ingredients of any of the Sections against this petitioner.

In view of such, impugned order dated 19.12.2013 passed by the Additional Chief Judicial Magistrate, Lakhisarai, in Complaint Case No.556-C of 2013 along with entire criminal proceeding against the petitioner is hereby quashed.

The application is, accordingly, allowed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03-02-2018
Transmission Date	03-02-2018

