

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3131 of 2015

Arising Out of PS.Case No. -334 Year- 2011 Thana -SAMASTIPUR District- SAMASTIPUR

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1. Satyendra Kumar Son of Late Raghunath Prasad Resident of vill-
Dhudhpura,P.S-Muffasil,Distt.-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Anuradha Singh

For the Opposite Party/s : Mr. Kumar Veerendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-07-2018 Heard the learned counsel for the petitioner as well

as the State.

The petitioner has challenged the order dated
02.08.2014 passed by the learned S.D.J.M., Samastipur in
Samastipur P.S. Case No. 334/2011, whereby the petition of the
petitioner under Section 227 of the Cr.P.C. has been rejected.

Learned counsel for the petitioner has submitted that
it is a matter of civil dispute.

The report of the learned court below has been
received, wherein it has been mentioned that in the instant case
charges have already been framed on 15.06.2017 under Sections
406, 420, 465, 467, 471 and 120B of the Indian Penal Code
against the petitioner and the case is pending for prosecution



evidence.

Learned Magistrate has mentioned the name of several witnesses in the impugned order who have supported the case in the case diary and thereafter rejected the petition filed on behalf of the petitioner for discharge.

The Hon'ble Supreme Court in the case of ***Md. Ibrahim Vs. State of Bihar*** reported in ***(2009) 8 SCC 751*** has held that several disputes of civil nature may also contain the ingredients of criminal offences and if so, will have to be tried as criminal offences, even if they also amount to civil disputes.

This Court after looking into the allegation made in the written report finds that no illegality has been committed by the learned court below in passing order.

Accordingly, this Criminal Miscellaneous is dismissed.

The court below is directed to proceed with the trial in accordance with law.

(Sanjay Priya, J.)

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