

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8227 of 2015

Arising Out of PS. Case No.-1549 Year-2014 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Mahaveer Rai S/o Late Pragesh Rai Resident of Village Ishapur Ladhoi,
Barari Road, P.S. Gaighat, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Laldeo Ram, Executive Magistrate, East Muzaffarpur.
3. Raman Kumar s/o Raj Kishore Singh (Inspector of Police), Gaighat Resident of Village Gaighat, P.S. Gaighat, District Muzaffarpur.
4. Bimal Kumar Singh S/o Late Binda Prasad Singh Resident of Village Rekha Narain, P.S. Gaighat, District Muzaffarpur.
5. Jathu Paswan, Chawkidaar 2/9, S/o Late Tuphani Paswan Resident of Village Ishapur Ladi, P.S. Gaighat, District Muzaffarpur.
6. Ram Bali Paswan, Chawkidaar 2/11 S/o Shiv Lal Paswan Resident of Village Kakdiya, P.S. Gaighat, District Muzaffarpur.
7. Neelu Singh W/o Ajay Singh Resident of Village Dahila, P.S. Gaighat, District Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh
For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 05-02-2018

This application has been filed for quashing the order dated 01.09.2014 passed by learned Judicial Magistrate 1st Class , Muzaffarpur in complaint case no. 1549 of 2014 whereby and whereunder learned Magistrate has discharged the opposite party Nos. 2 to 7 for the offence under Sections 342, 344, 379 and 504 of the Indian Penal Code.

It is alleged in the complaint petition that complainant-petitioner was in possession of the land in question as a Bataidar



of the landlord Ramadhar Mishra. The landlord wanted to take the land from the possession of the complainant-petitioner for which he has filed Bataidar case no. 10 of 1989-90 before the DCLR (East), Muzaffarpur. But, ultimately, that case was dismissed. The complainant-petitioner filed an appeal before the Collector, Muzaffarpur vide Battaidari Appeal no. 27 of 1991-92, which is still pending. It is further alleged that during pendency of the aforesaid appeal, the respondent no.7 has purchased land on 29.05.2012 by the landlord Ramadhar Mishra and in connivance with other accused persons got initiated proceeding under Section 144 of the Cr. P.C. in which final order was passed on 20.05.2014.

It is further alleged that on 22.05.2014 the proceeding under Section 144 of the Cr. P.C. was vacated after 60 days but even then the other accused persons helped the respondent no.7 in cutting the wheat crop for which complainant-petitioner made protest. As a result of which, accused no.2 lodged a false case against the complainant and also arrested him in case bearing Gaighat P.S. case no. 178 of 2014.

The learned Court below has mentioned in the impugned order that the instant complaint has been lodged by the complainant merely as a counter blast of Gaighat P.S. case no.



178 of 2014 filed by accused no.2. The learned Court below has further mentioned in the impugned order that there was a proceeding under Section 144 of the Cr. P.C. and the Criminal Court during inquiry under Section 202 of the Cr. P.C. cannot test the correctness of the order passed under Section 144 of the Cr. P.C. The accused persons were only obeying the order passed in a proceeding under Section 144 of the Cr. P.C. Therefore, this Court does not find any illegality in the impugned order.

Accordingly, the petition is dismissed at the admission stage itself.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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