

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39734 of 2018

Arising Out of PS. Case No.-1152 Year-2006 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Dayamanti Devi, aged about 70 Years W/o Late Kunjan Yadav @ Kunj Bihari Singh,
 2. Raj Kishore Prasad aged about 35 Years, S/o Late Kunjan Yadav @ Kunj Bihari Singh, Both of R/o Vill.- Dumari, P.S.- Fatuha, District- Patna at present Vill.- Tuthipur (Suitha), P.S.- Parsa Bazar, Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakuntala Devi wife of Krishna Nandan Prasad, R/o vilalge- New Etwarpur, P.S.- Parsa Bazar, Phulwari Sharif, District- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Vinod Pandey
For the Opposite Party/s : Mr. Smt. Gulnar Begam

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-10-2018 Learned counsel for the petitioners submits that he has already supplied typed copy of the impugned order.

Learned counsel for the petitioners submits that in the present case the petition seeking discharge of the petitioners has been rejected without appreciating that a pure and simple civil dispute which is the subject matter of a Title Suit between the parties is trying to be given a colour of criminal proceeding.

It is submitted that the dispute between the parties is with respect to execution of a sale deed with respect to a piece of land about which it is alleged that the complainant had paid certain amount to the petitioners.



Learned counsel for the State is present.

On perusal of the materials available on the record, this Court finds that the discharge petition of the petitioners was rejected as back as on 19.01.2011 and even the charge has been framed against them in the year 2011 itself.

In the opinion of this Court, the present application challenging the order rejecting the discharge petition after a lapse of seven years cannot be entertained.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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