

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14231 of 2018

In

Criminal Miscellaneous No.27310 of 2016

Arising Out of PS. Case No.- Year- Thana- District- Saharsa

Ajay Kumar Yadav S/o Parmeshwari Yadav, R/o Village- Baijnathpatti
Babuhara , P.S.- Saharsa, Distt.- Saharsa ... Petitioner

Versus

1. The State of Bihar.
2. Parmeshwari Yadav S/o Late Panchy Yadav,
3. Siya Devi W/o Parmeshwari Yadav,
4. Chandan Yadav, S/o Parmeshwari Yadav, R/o Village- Baijnathpatti
Babuhara , P.S.- Saharsa, Distt.- Saharsa ... Opposite Parties

Appearance :

For the Petitioner : Mr. Pramod Mishra, Adv.

For the Opposite Parties : Mr. Satyendra Narayan Singh, APP 132

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

8 28-11-2018 Heard learned counsel for the petitioner, learned counsel appearing for the State and learned counsel appearing for opposite parties 3 and 4.

Petitioner seeks modification of the order, dated 11.01.2017, passed in Cr. Misc. No. 27310 of 2016 (Chandra Shekhar Mishra & Anr. Vrs. the State of Bihar & Anr.) to the extent that Saharsa P.S. Case No. 619 of 2011, pending in the Court of the Subdivisional Judicial Magistrate, Saharsa, was not a matter concerned with respect to the dispute between the petitioner and the opposite parties in Cr. Misc. No. 27310 of 2016 and fraudulently the opposite parties no. 3 and 4 have placed the said case before this Court which was quashed by this Court along with other proceedings between the parties in Cr. Misc. No. 27310 of 2016 by order, dated 11.01.2017.

Learned counsel for the petitioner has brought on record the first information report of Saharsa P.S. Case No. 619 of 2011, which



was registered as police station case under Section 153(7) of the Criminal Procedure Code and arose out of Complaint Case No. 1552 of 2011.

From the perusal of the complaint case, it appears that the petitioner was the complainant opposite party no. 2 Parmeshwari Yadav, who is now dead, along with opposite parties Siya Devi and Chandan Yadav. No relief had been claimed in the said application, being Saharsa P.S. Case No. 619 of 2011, against petitioners of Cr. Misc. No. 27310 of 2016 and has fraudulently been included in the list of pending litigation between the parties in Cr. Misc. No. 27310 of 2016 by opposite parties no. 2 and 3 to mislead and stall the proceedings of Saharsa P.S. Case No. 619 of 2011. In the ends of justice the modification petition filed by the petitioner is allowed.

The list of the cases, which have been quashed by this Court vide order, dated 11.01.2017, in Cr. Misc. No. 27310 of 2016 would not include Saharsa P.S. Case No. 619 of 2011. Modification is allowed to the extent indicated above.

The lower Court's records be sent back to the learned Court below, where the matter is pending.

(Nilu Agrawal, J)

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