

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22781 of 2014

Arising Out of PS.Case No. -327 Year- 2008 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Shri Krishna Prasad son of Late Fagu Prasad Resident of Neelambar Apartment Flat No.-205, East Boring Canal Road, P.S.-Budha Colony, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Naresh Baitha, Son of Sri Briksha Baitha, Resident of Village-Tamkuhwa, P.S.-Dhanha, District-West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Opposite Party/s : Mr. Shailendra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

13 21-02-2018 The learned Senior counsel for the petitioner as well as counsel for the complainant/ opposite party no. 2, along with the complainant/ opposite party no. 2 in person, are present.

Considering the allegations leveled in the complaint petition, it appears that *prima facie*, the crux of the allegation leveled in the complaint petition is against the other accused person namely Ved Prakash Yadav and as far as the petitioner herein is concerned, he is said to be the then officer-in-charge, Dhanha PS, District-Bagha and he is said to have merely gone at the place of the complainant and advised him to open the way for the other accused person.



In view of the main allegation being leveled against the other co-accused namely Ved Prakash Yadav and he being the person responsible for creating trouble, the learned counsel for complainant/ opposite party no. 2, on being instructed by the complainant/ opposite party no. 2 is of the view that he is ready to get the present case quashed as against the petitioner herein, however he may be put to certain terms. It is further submitted on behalf of the complainant/ opposite party no. 2 that it be directed that the complainant may not be prejudiced as far as his rights to prosecute the case against the other accused person namely Ved Prakash Yadav is concerned.

The learned Senior counsel for the petitioner submits that the petitioner would pay a sum of Rs. 30,000/- to the complainant/ opposite party no. 2 within a period of two weeks from today and a cheque in favour of complainant shall be handed over from his office to the learned counsel for the opposite party no. 2/ complainant.

In view of the aforesaid submission made on behalf of the complainant/ opposite party no. 2 and the petitioner herein, I deem it fit and appropriate to quash the order dated 08.10.2009 passed by the S.D.J.M, Bagha West Champaran in



complaint case no. 327 of 2008 as far as the petitioner herein is concerned. It is made clear that the learned trial court would continue with the prosecution as far as the present case against the co-accused person namely Ved Prakash Yadav is concerned without being influenced by the present order since the present order has been passed in the peculiar facts and circumstances of the present case upon undertaking of the petitioner to pay litigation cost to the complainant/ opposite party no. 2 as well as his undertaking to maintain good behaviour in future apart from the fact that prima facie, the main allegation is against the co-accused person namely Ved Prakash Yadav.

The petition is allowed.

(Mohit Kumar Shah, J)

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