

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46238 of 2014

Arising Out of PS.Case No. -1038 Year- 2010 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Ajay Kumar Mishra, S/o Nand Prasad Mishra, resident of village-
Manguraha, P.S.- Govindganj, District- East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar
2. Nathuni Sah, S/o late Sahdeo Sah, resident of Manguraha, P.S.-
Govindganj, District- Motihari, East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate
Mr. Bipin Bihari, Advocate.
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-01-2018 This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 14.2.2013 passed by the learned Sub Divisional Judicial Magistrate, Sadar, Motihari in Trial No. 4992 of 2014 arising out of protest-cum-complaint case No. 1038 of 2010 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and other accused persons for the offences under Sections 323, 504 and 506/34 of the Indian Penal Code.

Heard learned counsel for the petitioner and learned
counsel for the State.



Learned counsel for the petitioner has submitted that it is a matter of civil dispute between the parties. It has further been submitted that complainant as well as accused No. 1 of complaint petition are now dead. A partition suit No. 50 of 2004 filed by the complainant Nathuni Sah has been finally disposed off by the court below vide Judgment dated 26.8.2013 which was partly decreed in favour of the complainant as mentioned in the judgment.

In such circumstances, this application is disposed off with a direction to the petitioner to file necessary application before the court below for his discharge mentioning therein that partition suit filed by the complainant has been partly decreed in his favour, which shall be heard and disposed off by the court below expeditiously in accordance with law.

(Sanjay Priya, J)

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