

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17441 of 2015**

Arising Out of PS. Case No.-18 Year-2014 Thana- COMPLAINT CASE District- Sheohar

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Md. Shoyab Son of Late Matiur Rahman, Resident of Village - Dariyapur,  
P.S. - Belsand, District - Sitamarhi.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Noor Alam, Son of Late Md. Asar, Resident of Village - Rupauli, P.S. -  
Tariyani, District - Sheohar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Devendra Kumar, Advocate  
For the Opposite Party : Mr. S.N.Shukla, APP  
For the Opposite Party No. 2 :

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 20-06-2019**

Heard the learned counsel for the petitioner.

2. The petitioner has challenged the order dated 01.03.2014 passed by the learned Judicial Magistrate, Ist Class, Sheohar in connection with Complaint Case No. 18 of 2014, Tr. No. 947 of 2014 whereby cognizance has been taken under Sections 147, 323 and 379 of the Indian Penal Code.

3. From the perusal of the complaint petition, it appears that the allegation is of subjecting the complainant to a ransom demand of Rs. 50,000/- for his running a shop in Belsand.

4. Learned counsel appearing for the petitioner has submitted that an absolutely false case has been



lodged against the petitioner and the allegations are absolutely false and baseless. He has further submitted that the present complaint is only in retaliation to Belsand P.S. Case No. 10 of 2014 lodged by the petitioner against the complainant/opposite party no. 2 and others under various Sections of the Indian Penal Code including Section 307 of the Indian Penal Code. The allegation in the aforesaid case is that the complainant assaulted the petitioner.

5. This Court vide order dated 24.04.2015 had issued notice to opposite party no. 2 and had stayed all further proceedings before the court below. On the non-appearance of the opposite party no. 2, fresh notice was again directed to be served upon the opposite party no. 2 on his correct and present address. The office records shows that the notice was served personally upon opposite party no. 2.

6. Despite this, there is no appearance on behalf of opposite party no. 2.

7. From the perusal of the complaint petition as also the materials on record, it appears that the present case is only a counterblast to the case lodged by the petitioner. The allegations on face of it do not inspire confidence for the simple reason that without any cause, it is not expected that anybody would be subjected to a



demand of ransom. The petitioner does not have any criminal antecedent. This Court is therefore of the view that it is a malicious prosecution.

8. Considering the aforementioned aspects, the order taking cognizance is set aside and consequently the entire criminal prosecution arising thereof is quashed.

9. The application stands allowed.

**(Ashutosh Kumar, J)**

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