

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18428 of 2015

Arising Out of PS. Case No.-2078 Year-2012 Thana- PATNA COMPLAINT CASE District- Patna

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Meena Kumari wife of Rajendra Kumar Suman, resident of Mohalla- Madhopur, B.R.M. Mahila College Road P.S.- Kotwali, District- Munger.

... .. Petitioner

Versus

1. The State Of Bihar
2. Abinash Kumar Son of Late Tarini Pd. Mandal resident of Village- Lagma P.S.- Tetia Bazar District- Munger at present resident of New Area Kadamkuan, Near Congress Maidan P.S.- Kadamkuan District- Patna.

... .. Opposite Parties

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with

CRIMINAL MISCELLANEOUS No. 17349 of 2015

Arising Out of PS. Case No.-1837 Year-2012 Thana- PATNA COMPLAINT CASE District- Patna

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Rajendra Kumar Suman son of Late Vakil Prasad Yadav, resident of Mohalla- Madhopur, B.R.M. Mahila College Road, P.S.- Kotwali, District- Munger

... .. Petitioner

Versus

1. The State Of Bihar
2. Abinash Kumar Son of Late Tarini Prasad Mandal, resident of village- Lagma, P.S.- Pethia Bazar District- Munger at present resident of New Area Kadamkuan, Near Congress Maidan, P.S.- Kadamkuan, District- Patna

... .. Opposite Parties

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Appearance :

(In Criminal Miscellaneous No. 18428 of 2015)

For the Petitioner : Mr. Md. Anis Akhtar, Advocate
For the State : Mr. Gopesh Kumar, APP
For Opp. Party no. 2 : Mr. Manoj Kumar Singh, Advocate

(In Criminal Miscellaneous No. 17349 of 2015)

For the Petitioner : Mr. Md. Anis Akhtar, Advocate
For the State : Mr. Gopesh Kumar, APP



For Opp. Party no. 2 : Mr. Manoj Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 22-11-2019

Both the petitions have been heard together and are being disposed of by this common judgment.

There appears to be some dispute with respect to the conveyance of a plot of land in favour of the wife of the petitioners. Opposite party no. 2 claims to have executed Power Of Attorney in favour of the petitioners for the limited purpose but the same is alleged to have been misused.

The petitioners but have different story to narrate.

An attempt was made by this Court to make the parties to sit across the table and settle the dispute but it appears that no effort was made by the parties for settlement of disputes.

Since there are many factual aspects which have to be dealt with for deciding whose version is correct, it would only be appropriate that the parties are relegated to the court below where, the petitioners may, if so advised,



prefer an application for discharge and raise all such grounds which have been urged herein. If such a petition is filed, the court below shall take into account all necessary facts and pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

The other case viz Cr. Misc. No. 17349 of 2015 (Rajendra Kr Suman Vs. State of Bihar & another) in which cognizance has been taken under Section 417 of the IPC and Section 138 of the N.I. Act, shall also be proceeded with and be taken to a logical conclusion.

With the aforesaid observation, the petitions stand disposed of.

(Ashutosh Kumar, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.11.2019
Transmission Date	26.11.2019

