

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82842 of 2019**

Arising Out of PS. Case No.-2866 Year-2015 Thana- PATNA COMPLAINT CASE District-  
Patna

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RASTRIYA SAMASYA SMADHAN SIJJAW PARISAD THROUGH ITS  
PRESIDENT BHARAT JYOTI Son of Late Msri Prasad Resident of Village -  
New Purandarpur, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalan Prasad Sinha Son of Late Chandrashekhar Prasad Sinha Resident of  
Mohalla - New Purandarpur, P.S.- Jakkanpur, District- Patna
3. Surendra Kumar Verma Son of Late Babulal Verma Resident of Village -  
Sadisopur, P.S.- Bihta, District- Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mritunjay Prasad Singh  
For the Opposite Party/s : Mr.Shyam Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      13-12-2019                      Heard learned counsel for the petitioner and learned  
counsel for the State.

This application has been filed for quashing of the  
order dated 17.07.2019 passed by Sub Judge XIV cum  
A.C.J.M., Patna in Complaint Case No. 2866 (C) /2015, by  
which, he has allowed the petition filed by opposite party nos. 2  
and 3 under Section 245 Cr.P.C. for their discharge from the  
offences punishable under Sections 467, 468 and 420 of the  
Indian Penal Code.

Facts in short is that petitioner has filed a complain  
petition alleging therein that opposite party nos. 2 and 3



created forged and manufactured document to grab the property public property, which will appear from enquiry report submitted by the S.H.O. Further allegation is that he has received enquiry report alleged to have been submitted by the Anchal Adhikari and accused persons have succeeded in mutating their names keeping the Anchal Adhikari in dark.

After enquiry, processes have been issued against the accused persons finding the case true.

It further appears that later on accused persons i.e. opposite party nos. 2 and 3 filed a petition on 09.07.2018 under Section 245 Cr.P.C. for their discharge and the learned Sub Judge XIV cum A.C.J.M., Patna after perusal of materials available on record, passed the order on 17.07.2019 allowing the petition filed by the petitioner for their discharge from the charges levelled against them.

Being aggrieved and dissatisfied, the petitioner has preferred the present application.

Submission of learned counsel for the petitioner is that opposite party nos. 2 and 3 have created forged and fabricated document and on the basis of the same, they have mutated the public land in their names, however, without considering the same, learned Sub Judge XIV cum A.C.J.M.,



Patna has allowed the discharge petition filed by opposite party nos. 2 and 3.

Heard learned counsel for the parties and perused the impugned order, from which, it appears that before the charge, only one witness was examined and even the informant – petitioner has not come before the court for his deposition during charge and from the whole prosecution case, it appears that even enquiry report of the police has not been brought on record nor the alleged forged documents have been brought on record and considering the same, the learned Sub Judge XIV cum A.C.J.M., Patna has allowed the discharge petition filed by the opposite party nos. 2 and 3 and this court does not find any illegality and impropriety in the order passed by the learned Sub Judge XIV cum A.C.J.M., Patna.

Accordingly, I do not find any merit in the instant application of the petitioner and the same is hereby dismissed.

**(Vinod Kumar Sinha, J)**

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