

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33198 of 2021

Arising Out of PS. Case No.-3 Year-2014 Thana- AAYAR District- Bhojpur

Hukum Chandra Sah S/O- Late Basau Sah R/O- Village - Isarhi, P.S. - Ayer,
District - Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Ajit Mahto S/o- Ravindra Mahto Resident of Village - Tulsi Tola, P.S. - Piro,
District - Bhojpur, at present residing at Village - Isarhi, P.S. - Ayer, District -
Bhojpur.
3. Moti Mahto S/O- Ravindra Mahto Resident of Village - Tulsi Tola, P.S. -
Piro, District - Bhojpur, at present residing at Village - Isarhi, P.S. - Ayer,
District - Bhojpur.
4. Kaushik Mahto S/O Ravindra Mahto Resident of Village - Tulsi Tola, P.S. -
Piro, District - Bhojpur, at present residing at Village - Isarhi, P.S. - Ayer,
District - Bhojpur.
5. Koma Devi W/O- Ajit Mahto Resident of Village - Tulsi Tola, P.S. - Piro,
District - Bhojpur, at present residing at Village - Isarhi, P.S. - Ayer, District -
Bhojpur.
6. Ravindra Mahto S/O- Late Ram Shakal Mahto Resident of Village - Tulsi
Tola, P.S. - Piro, District - Bhojpur, at present residing at Village - Isarhi,
P.S. - Ayer, District - Bhojpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2022 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Dr.
Indihar Kumari, learned APP for the State.

The petitioner in the present case has invoked the
inherent jurisdiction of this Court under Section 482 Cr.P.C. to



quash and cancel the revisional order dated 12.02.2021 passed by learned Additional Sessions Judge, XII Ara, Bhojpur. It appears that the learned Additional Sessions Judge has affirmed the order dated 08.02.2018 passed by learned A.C.J.M. VIII, Court Ara (Bhojpur) in G.R. No. 90 of 2014, T.R. No. 1312 of 2017 by which the petition filed by the petitioner for release of articles in question has been rejected.

Learned counsel for the petitioner submits that the furnitures which were lying in the school were purchased from the money advanced by the petitioner to the another claimant Ajit Mahto who was also the Head Master of the school.

It is submitted that the school was given the premises on a monthly rent of Rs.12,000/- but the rent was not paid to the petitioner and as the claimant Ajit Mahto was removing the furnitures from the school, the same was objected to and the complaint was filed alleging that the accused Ajit Mahto and others were unauthorizedly removing the furnitures from the school premises.

This Court has noticed from the materials available on the record that both the learned court below have duly considered the submission of the petitioner and found that this petitioner has already filed a money suit against Ajit Mahto for a



recovery of Rs.1,25,000/-. The claimant Ajit Mahto has also filed a money suit for a sum of Rs.85,000/- against the petitioner. The learned revisional court has rightly taken note of the fact that in the complaint petition filed by this petitioner, there is no averment that he had purchased the furniture and had given the same to the school.

This Court is, therefore, of the considered opinion that no perversity may be found in the impugned order.

This application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

