

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.620 of 2018**

Arising Out of PS. Case No.-952 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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VISHWANATH PRASAD @ VISHNATH PRASAD S/o Late Yugal Prasad,
R/o Vill.- Mela Road, Bhawadepur, Ward No. 22, P.S. and District- Sitamarhi.
... .. Petitioner

Versus

1. The State of Bihar
2. Vishal Anand , S.H.O. , P.S. District- Sitamarhi.

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP
For the O.P.No.2: Mr. Amitabh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 14-10-2022 Heard learned counsel for the petitioner and learned
counsel for the opposite party no. 2 as also learned A.P.P. for the
State.

Petitioner, in this case, is aggrieved by and dissatisfied
with the order dated 25.04.2018 passed by learned A.C.J.M.- 4th,
Sitamarhi to the extent that the learned Magistrate dismissed the
complaint as against the opposite party no. 2.

It is alleged that in the complaint petition as well as in
the statement of the inquiry witnesses there were sufficient
materials to proceed against the opposite party no. 2.

Learned counsel for the petitioner submits that the
opposite party no. 2 was at the relevant time Officer-in-Charge of
the Sitamarhi Police Station and he had indulged in threatening the



complainant and others and had also assaulted him.

On the other hand, learned counsel for the opposite party no. 2 submits that in this case the learned Magistrate has perused the entire materials available on the record. The complaint petition contains completely vague kind of allegations and the opposite party no. 2 being a public servant who was acting in due discharge of his duty need not be allowed to be prosecuted by the petitioner who is himself an accused in so many cases and further that the learned court below has rightly taken a safe approach not to proceed against opposite party no. 2 in absence of sufficient materials against him.

Learned counsel for the petitioner submits that all the cases against the petitioner were lodged at the instance of opposite party no. 2.

Be that as it may, in the given facts and circumstances of the case, considering the reasoning provided in the impugned order, this Court finds no illegality or infirmity so as to place it's own opinion in the place of the opinion of the learned Magistrate.

This Revision Application is, therefore, dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

