

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1111 of 2018

Arising Out of PS. Case No.-3346 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Kiran Prasad Yadav @ Kiran Prasad, S/o Late Ram Rekha Prasad resident of
Mohalla- Naya Tola Saguna, P.O.- Danapur Cantt, P.S.- Danapur, District-
Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. Ajit Kumar Sinha aged about 62 years S/o Late Harihar Prasad, resident of Hanuman Vatika, Garhpar, Biharsharif, District- Nalanda a/p Flat No. B/12A, Giriraj Apartment, Vivekanand Marg, Boring Road, Patna- 800 013
3. Kaushal Kumar S/o Shri Kailash Prasad, resident of Flat No. 404, Kailash Apartment, Vijay Nagar, Rukunpura, P.S. Rupaspur, District- Patna.
4. Manoj Kumar, S/o Late Baijnath Sharma, resident of Vaishali Sadan, Raikrishna Road, Gurhatta, P.S.- Khajekalan, District- Patna.
5. Sushila Kumari W/o Shri Kaushal Kumar, D/o Sri Kailash Prasad Singh, permanent resident of Flat No. 404, Kailash Apartment, Vijay Nagar, Rukunpura, P.S. Rupaspur, District- Patna.
6. Saroj Devi, W/o Sanjay Singh, resident of Mohalla- Rukunpura, P.S. Rupaspur, District- Patna.
7. Chandan Kumar, S/o Jitendra Kumar Singh, resident of Village- Bijnarayanpur, P.S. Shahpur, District Patna.
8. Rajendra Prasad S/o Late Brijnath Prasad, permanent resident of Mohalla- Maulabad, P.S.Nawada, District- Bhojpur, Arrah at present Flat No. 103, Payal Palace Apartment, Doctor's Colony, Jagdeo Path, P.S. Hawai Adda, District- Patna.
9. Rakesh Kumar S/o Late Nawal Singh, resident of Village- Tilak Nagar, P.S. Rupaspur, District Patna.
10. Praveen Kumar @ Praveen Kumar Bhandari S/o S.N. Bhandari hri @ Satya Narayan Bhandari permanent resident of Chhoti Badalpura, P.S. Khagaul, District- Patna at present Quarter No. 4/6, Airport Colony, P.S.- Hawai Adda, District- Patna.
11. Upendra Sharma @ Munna S/o Shivpujan Sharma, permanent resident of Village- Chhitnawan, P.S.- Maner, District Patna at present Flat No. 405, Hope Aparna Apartment, Samanpura, P.S. Shastri Nagar, District Patna.
12. Tej Narayan Thakur, Assistant Sub- Inspector of Police, Hawai Adda, P.S., District- Patna.
13. Dhananjay Kumar, Inspector of Police-cum- SHO, Hawai Adda P.S., District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Ms. Nirmala Kumari,, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 01-09-2022 No one appears for the petitioner despite waiting for some time.

Ms. Nirmala Kumari, learned A.P.P. for the State is present.

This case is of the year 2018, therefore, this Court deems it just and proper to dispose of it on the basis of the materials available on the record.

Petitioner in the present case is aggrieved by and dissatisfied with the order dated 25.04.2018 passed by learned A.C.J.M. XII, Patna in Complaint Case No. 3346(C) of 2016 by which the complaint case has been dismissed.

A perusal of the impugned order shows that the learned A.C.J.M. XII, Patna has looked into the statement on oath and the deposition of the enquiry witnesses. He has also considered a report received from the Officer-in-charge of Hawaiadda Police Station and upon appreciation of the entire materials he has found that the land in question is subject matter of dispute in Title Suit No. 306 of 2015 pending in the Civil Court, Patna and Police has initiated proceeding under Section 107 Cr.P.C. and Section 144 Cr.P.C. between the parties. It has



also been noticed that regarding the dispute between the same party a case of cheating and forgery has been pending against the complainant being Gandhi Maidan P.S. Case No. 386 of 2015. The learned A.C.J.M. XII, Patna has, therefore, come to a conclusion that the allegations are in the nature of a civil dispute. He has also recorded that issuance of process against any person for facing a criminal trial is a serious matter which cannot be done in a routine manner.

This Court finds no error in the impugned order. The revision application is dismissed.

(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'.

