

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13811 of 2023

Arising Out of PS. Case No.-215 Year-2016 Thana- AGAMKUAN District- Patna

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1. RAJENDRA PRASAD CHOUDHARY S/O LATE HAZARI CHOUDHARY R/o- In Front of Shivam Petrol Pump, P.S.- Agamkuan, District- Patna.
 2. BHOLI CHOUDHRY @ OM PRAKASH CHOUDHARY S/O LATE HAZARI CHOUDHARY R/o- In Front of Shivam Petrol Pump, P.S.- Agamkuan, District- Patna
 3. NANDU CHOUDHARY S/O HAZARI CHOUDHARY R/o- In Front of Shivam Petrol Pump, P.S.- Agamkuan, District- Patna
 4. SHASHIKANT CHOUDHARY @ RAJU CHOUDHARY S/O RAJENDRA PRASAD CHOUDHARY R/o- In Front of Shivam Petrol Pump, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mantu Kumar Yadav S/O Ram Nath Yadav R/O- In front of Shivam Petrol Pump, Kumhrar, P.S.- Agamkuan, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 17-07-2023 Heard learned counsel for the parties.

2. This application is filed for quashing of the order dated 28/05/2018 by which learned A.C.J.M., Patna City has taken cognizance against the petitioners in Agamkuan P.S. Case No. 215/2016 for the offence under Sections 341, 387, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution, informant lodged F.I.R. alleging that he has a shop selling electricity equipment opposite



Shivam Petrol Pump under the name and style of Jai Maa Jagdamba. His landlord has locked the same filed false case against him and his family members on which he is on bail. After bail petitioner no. 1 along with his brother namely Nandu Choudhary and Bholi Choudhary comes at his house and he will have to pay Rs. 2 lakh in extortion otherwise he will lose his life. The informant thus prayed for appropriate action against the concerned persons and get the shop opened.

4. The petitioners are the landlord and it appears that due to landlord and tenant dispute the opposite party no. 2 has filed this case. The Eviction Suit No. 31 of 2019 is pending between the parties, before the Title Suit No. 21 of 2016 is also going on.

5. From the allegations levelled against the petitioners, it appears that it is a case of *mala fide* prosecution just to pressurize the landlord for not pressing eviction suit.

6. In view of above, this application is allowed.

7. The order dated 28/05/2018 by which learned A.C.J.M., Patna City has taken cognizance against the petitioners in Agamkuan P.S. Case No. 215/2016 is hereby quashed.

8. The Munsif, Patna City, will dispose of the eviction



suit by hearing the case on day to day basis without granting unnecessary adjournments and without staying the proceedings unless there is any stay order from the superior Court. The eviction suit must be disposed of within three months from the date of communication of this order and a compliance report must be sent to this Court.

(Sandeep Kumar, J)

Ranjeet/-

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