

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.453 of 2019

Arising Out of PS. Case No.-1258 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Ramesh Dutt Misra Son of Late Narendra Nath Mishra Resident of Mohalla-
Masjid Gali, Badi Khagaul, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Son of Late Sudarshan Prasad Singh Resident of Village- Badi
Khagaul, P.S.- Khagaul, District- Patna.
3. Alka devi Wife of Arun Kumar Resident of Village- Badi Khagaul, P.S.-
Khagaul, District- Patna.
4. Manoj Kumar Sri Madan Prasad / the brother in law of Arun Kumar
Resident of Village- Badi Khagaul, P.S.- Khagaul, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raghwendra Sharan Pandey, Adv Mr.Somesh Kumar, Adv
For the Respondent/s	:	Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 15-12-2023 Heard learned Advocate for the petitioner as well as
learned APP for the State.

2. An order, dated 23th of January, 2019, passed in
Complaint Case No. 1258 (C) of 2018, dismissing a complaint
under Section 203 of the IPC, is under challenged in the instant
revision.

3. The case of the complainant in short is that the
petitioner is the owner of a partly constructed house at village,
Dalluchak Khagaul, District- Patna. The Accused No. 1/
Opposite Party No. 2 was previously known to the petitioner



and he requested the petitioner to allow him to run a school in the said partly constructed house. He allowed the Accused No. 1 to run a school in the said house without any rent or premium, thus, the Accused No. 1 was a licensee.

4. Further case of the petitioner is that the petitioner was requesting the Accused no. 1 for long to deliver vacant possession of the said house on the ground that he intended to finish the construction of the same. On 1st of October, 2018, the Accused No. 1 told the petitioner that he would vacate the said premises on 2nd of October, 2018. Accordingly, the petitioner and the witnesses went to the place and they found the Opposite Party No. 2, his wife and his brother-in-law present at the spot. On request, they refused to vacate the said premises and abused the complainant with filthy language. They also wrongfully demanded a sum of Rs. 5 lakhs from the informant/petitioner for getting the said house in vacant condition. Accused No. 3 also threatened him brandishing a firearm.

5. It is true that the dispute relates to a house in which according to the complainant the Accused No. 1 is a licensee. It is also true that in order to evict the Accused No. 1, the informant is required to file a civil suit for eviction of license. But at the same time, it is alleged by the complainant that he



was threatened by the accused persons wrongfully. The accused persons demanded a sum of Rs. 5 lakhs brandishing a pistol at him and they insulted the complainant/petitioner.

6. In view of such evidence on record, the learned Magistrate was not justified in dismissing the complaint at the out set under Section 203 of the Cr.PC. The case under Section 323, 504 and 384 of the IPC has been made out against the opposite parties. Therefore, the impugned order is set aside.

7. The learned Magistrate is directed to pass necessary order in the light of the observation made hereinabove and proceed with the case in accordance with law.

8. The instant revision is accordingly disposed of.

(Bibek Chaudhuri, J)

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