

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21253 of 2015**

Arising Out of PS. Case No.-773 Year-2010 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Satendra Singh
2. Dane Lal Singh, Son of Radha Kishun Singh.
3. Radha Kishun Singh, Son of late Ramjagi Singh
All R/O village Uttampur, P.S. Rajpur, District- Buxar

... .. Petitioner/s

Versus

1.State Of Bihar
2. Sipahi Ram, Son of Mangru Paswan
R/o Village Koran Sarai, P.S. Koran Sarai, District- Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioners : Mr. Rewti Kant Raman, Advocate
For the Opposite Parties : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 13-02-2023 Heard learned counsel for the petitioners and learned

APP for the State.

Learned counsel for the petitioners is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The present application has been filed for quashing
the order dated 26.04.2011 passed by learned District and
Sessions Judge, Buxar in Cr. Revision No. 299 of 2010 by
which the cognizance has been taken against the petitioners for
the offence under Sections 419/420/467/471/504/34 of I.P.C.

The order dated 26.04.2011 passed by the learned
District and Sessions Judge, Buxar is under challenge by which



the complaint has been revived.

It has been submitted by learned counsel for the petitioners that this is nothing but a counter blast to the earlier complaint no. 23C of 2010 under Sections 120B, 166, 420, 467, 468 and 471 of I.P.C. in which cognizance has been taken against the petitioners for issuing forged and fabricated death certificate of the grandfather of the petitioners.

Learned counsel for the petitioners submits that this is a *malafide* prosecution and no offence is made out from the complaint as to the exact details of the vakalatnama which is said to have been forged are not given as in which proceeding they were filed. It is alleged that false informatory petition along with forged signature of the complainant was filed.

In view of the law laid down by the Hon'ble Supreme Court in the case of *State of Haryana and Ors Vs Ch. Bhajan Lal and Ors* reported in *AIR 1992 SCC 604*, the order dated 08.04.2005 passed in Complaint Case No.- Complaint Case No.- Cr. Revision No. 299 of 2010 by learned District and Sessions Judge, Buxar on behalf of petitioners and the entire criminal prosecution of the petitioners is hereby quashed.

Sandeep Kumar, J)

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