

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67236 of 2018

Arising Out of PS. Case No.-96 Year-2017 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Sushila Devi and Ors Wife of Late Baban Pandey Resident of Village-Gayghat Puchhari,.P.S.Brahmpur,Distt.-Buxar
 2. Prayag Mishra Son of Late Shivnajar Mishra Resident of Village-Rajpur Navrang Rai Ke Dera P.S. Simari,Distt.-Buxar
 3. Munchun Tiwary Son of Late Indradeo Tiwary, Resident of Village-Niranjanpur,P.S. Buxar,Distt.-Buxar
 4. Dharmraj Rai @ Dhamaka Rai Son of Late Shivdhari Rai Resident of Village-Arjunpur NiyajipurP.S. Simari O.P.-Ramdas Rai Ke Dera,Distt.-Buxar
 5. Indradeo Towary Sonof Late Gopal Tiwary Resident of Village-Niranjanpur,P.S. Distt.-Buxar
 6. Shubhakaran Pandey Sonof Late Baban Pandey Resident of Village-Gayghat Panchhari,P.S. Brahmpur,Distt.-Buxar
 7. Arun Kumar Pandey Son of Late Baban Pandey Resident of Village-Gayghat Puchhari,P.S. Brahmpur,Distt.Buxar

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Kaushal Kumar Mishra Sonof Late Sri Ram Mishra Resident of Village-Arjunpur NiyajipurP.S. Simari O.P.-Ramdas Rai Ke Dera,Distt.-Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate
For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-08-2023

Heard learned counsel for the parties.

This application has been filed for quashing of the order dated 24.08.2017, passed by the learned A.C.J.M. IIIrd, Buxar in Complaint Case No. 96© of 2017, by which, learned



Magistrate has taken cognizance under Section 406/34 of the Indian Penal Code.

As per the prosecution case, the mother of the informant had died on 17.12.2016 and on 20.12.2016 in the night the informant along with villagers had gone for last rites of his mother, in the mean time, the wife of the informant enquired from the petitioner No.1 about the paper and jewelry then petitioner No.1 told her that she will give the paper and jewelry when she will go to her village. It is further alleged that when the informant came to house, his sister Sushila Devi (petitioner No.1) said to him that after the rites she will give the papers relating to pension books of father and mother and fixed deposit paper of Rs. 25,000/- and jewelry of worth Rs 3,40,000/- before the panches and witnesses.

It is further alleged that the widow of elder brother of the informant also live in the native village whose husband had committed suicide due to torture of accused persons and the informant has two daughters and he resides along with his daughters in Dhanbad and all the accused persons want to usurp the property. It is further alleged that after the ceremony, informant demanded the papers and jewelry in front of accused persons. The accused refused to give the papers and



jewelry.

Considering the aforesaid fact, this Court is not interfere in this case, therefore, this application is dismissed with liberty to the petitioners to all the grounds at the stage of trial.

(Sandeep Kumar, J)

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