

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42099 of 2015**

Arising Out of PS. Case No.-2955 Year-2013 Thana- SARAN COMPLAINT CASE District-  
Saran

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1. Raj Kumar Singh and Ors S/o Late Rameshwar Prasad Singh
  2. Renu Singh W/o Raj Kumar Singh
  3. Rohit Kumar Singh S/o Raj Kumar Singh All Resident of Mohalla Sahebganj Butanbari, P.S. Chapra Town, District Saran.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Nitya Kumar Singh S/o Late Rameshwar Prasad Singh Resident of Mohalla Sahebganj Butanbari, P.S. Chapra Town, District Saran.

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                         |
|----------------------|---|-----------------------------------------|
| For the Petitioner/s | : | Mr. Amish Kumar<br>Mr. Prabhakar Thakur |
| For the State        | : | Mr. Awadhesh Kr. Singh APP              |
| For the O.P. No. 02. | : | Mr. Dilip Kumar Roy                     |

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

5      19-06-2023                      Heard the parties.

This application has been filed on behalf of the petitioners for quashing the order dated 20.04.2015 passed by Judicial Magistrate, 1<sup>st</sup> Class, Chapra in Complaint Case No. 2955 of 2013 / Tr. No. 4831 of 2014.

There is dispute between the parties which is being contested in the district Court with regard to a will. Learned counsel for the petitioner has submitted that this is a malicious prosecution because of the civil dispute and the same should not continue.



Learned counsel for the O.P. No. 02 has vehemently opposed the application.

It is an admitted position that the petitioner No. 01 and the O.P. No. 02 are own brothers.

Considering the fact that this is a mala fide prosecution, this application is allowed.

Accordingly, the order dated 20.04.2015 passed by Judicial Magistrate, 1<sup>st</sup> Class, Chappra in Complaint Case No. 2955 of 2013 / Tr. No. 4831 of 2014 is hereby quashed.

**(Sandeep Kumar, J)**

Vikas/-

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