

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42921 of 2018

Arising Out of PS. Case No.-309 Year-2016 Thana- BIHIA District- Bhojpur

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Upendra Prasad S/o Late Deoha Thakur, R/o Vill. and Post - Umraoganj, P.S.-
Bihiya, District- Bhojpur Ara.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ravindra Prasad Singh S/o Late Chandrama Singh, R/o Vill.- Karja, Post-
Omaraoganj, P.S.- Bihiya Bahoranpur O.P., District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh
For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. This application has been filed on behalf of the
petitioner for quashing the order dated 07.06.2017 passed by
learned ACJM-V, Ara at Bhojpur in Tr. No. 1733 of 2017 arising
out of Bihiya (Bahoranpur O.P.) P.S. Case No. 309 of 2016.

3. The prosecution case in short is that the petitioner
has taken a loan of Rs. Ten lakhs from the informant and when
the informant asked the petitioner to return the said amount then
the petitioner has threatened the informant that he will file a
case against him.



4. From reading of the FIR, it appears that it is purely a civil dispute which has been given a colour of criminal offence and no case is made out against the petitioner and it also appears that the learned Magistrate has not applied his mind before taking cognizance.

5. In these circumstances, this application is allowed.

6. Accordingly, the order dated 07.06.2017 passed by learned ACJM-V, Ara at Bhojpur in Tr. No. 1733 of 2017 arising out of Bihiya (Bahoranpur O.P.) P.S. Case No. 309 of 2016 as well as the prosecution of the petitioner in connection with the aforesaid case is hereby quashed.

(Sandeep Kumar, J)

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