

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16769 of 2016**

Arising Out of PS. Case No.-188 Year-2013 Thana- KUCHAIKOTE District- Gopalganj

1. Umrawati Devi @ Amrawati Devi and Ors. W/o Ganga Sah,
2. Sushil Sah @ Sushil Kumar, Son of Ganga Sah,
3. Sunil Sah @ Sunil Kumar Sah, Son of Ganga Sah,
4. Ganga Sah, Son of Late Hira Prasad,
5. Anup Prasad, Son of Late Balanath Prasad,
6. Banarsi Prasad @ Banarsi Srivastava, Son of Late Balanath Prasad, All Resident of Village Bantaul, P.S. - Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Suresh Rai, Son of Late Baijnath Rai, Resident of Village - Bantaul, P.S. - Kuchaikote, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalan Kumar
For the Opposite Party/s : Mr.Chandra Bhushan Pd.App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 03-08-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

2. Learned counsel submits that the opposite party no.
2 has died.

3. This application is filed for quashing the order
dated 05.11.2015 passed in connection with Kuchaikote P.S.
Case No. 188 of 2013 passed by learned C.J.M., Gopalganj
whereby and whereunder the learned Magistrate has taken
cognizance for an offence under section 120(B), 420/467 of the



Indian Penal Code.

4. As per the prosecution case, the allegation against the petitioners are that they were grabbing the land of the informant by forging the documents of the sale deed.

5. It has been submitted by the learned counsel for the petitioners that due to the land dispute, the present case has been filed. The parties are already contesting the Title Suit No. 876 of 2013 in the Court of Sub-Judge, Gopalganj.

6. In view of the fact that the present prosecution arises out of the civil dispute, this application is allowed.

7. Accordingly, the order dated 05.11.2015 in connection with Kuchaikote P.S. Case No. 188 of 2013 passed by learned C.J.M., Gopalganj is hereby quashed.

8. The Sub-Judge concerned who is hearing the title suit no. 876 of 2013 shall decide the title suit expeditiously so that further criminal case is not filed between the parties.

(Sandeep Kumar, J)

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