

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20372 of 2015**

Arising Out of PS. Case No.-904 Year-2013 Thana- COMPLAINT CASE District- Araria

1. Madan Singh and Ors S/o Late Munni Lal Singh
2. Amar Singh @ Ama Kuma Singh S/o Late Munni Lal Singh
3. Manoj Singh S/o Late Anuplal Singh
4. Gopi Kumar Singh @ Gopi Singh S/o Late Anuplal Singh
5. Raj Kumar Singh S/o Late Anuplal Singh
6. Ranjeet Kumar Singh S/o Ram Sinhasan Singh
7. Amit Kumar Singh @ Amit Kumar S/o Madan Singh
8. Ajeet Kumar Singh S/o Madan Singh All ae Resident of Mohalla Araria R.S. Ward No. 4, P.S. Araria R.S. O.P., District Araria.
9. Pawan Kumar Mehta S/o Jay Pakash Mehta Resident of Village Chakorwa, P.S. Bathnaha, District Araria.
10. Surya Narain Yadav S/o Late Adhik Lal Yadav Resident of Village Madhubani Yadav Tola, P.S. K. Hat, District Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jairam Singh S/o Late Ramlal Singh All ae Resident of Mohalla Araria R.S. Ward No. 4, P.S. Araria R.S., District Araria.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                        |
|--------------------------|---|----------------------------------------|
| For the Petitioner/s     | : | Mr.Harshvardhan Shivsundaram, Advocate |
| For the Opposite Party/s | : | Mr.Chandra Bhushan Prasad, APP         |
| For the informant        | : | Mr. Kundan Kumar Singh, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

5      14-02-2023                      Heard learned counsel for the petitioners, learned APP  
for the State as also learned counsel for the informant.

The petitioners wants to quashing of the order dated  
16.02.2015 passed by Judicial Magistrate, Ist Class, Araria in  
Complaint Case No.C-904/2013 (Trial No.1602/2015) under  
Section 147, 323, 417, 379 and 388 of the Indian Penal Code.



As per the prosecution story, a complaint was filed by the opposite party no.2 stating that the accused persons are agnate and no partition regarding their ancestral land took place but petitioner nos.1 to 8 wrongly got the land in excess of their rights, mutated in their name and when the complainant went to their house to inquire why such steps have been taken by them, allegation of assault has been made. The complainant ran towards his house but the petitioners chased and after beating allegation is of taking away Rs.20,000/- from the box of the complainant as also forcibly taking signatures on blank papers.

A 'panchayati' was convened on 20.03.2013 but the matter could not materialize and left with no option, the present complaint.

Learned counsel for the petitioners submit that the perusal of complaint itself shows that both the petitioners and the informant are agnates, it is land dispute, civil in nature and to exert pressure, the present complaint. He has further relied an order of learned Single Judge of Patna High Court in *Jai Shankar Mishra & Ors. Vs. The State of Bihar & Anr.* reported in 2015(1) PLJR 834 to show that when title suit is pending between the parties, criminal cases is multiple of proceeding.

However, here it is a case where allegation is that the



accused persons got lands mutated in their favour in excess of what was/were been allotted to them. The complainant went to their house to make inquiry whereafter allegation is of beating as also forcibly taking signature on some blank papers.

This in the considered view of the Court cannot be said to be a civil matter and simply because title suit is pending does not absolve the petitioners of the charges of resorted to criminal activities and certainly cannot hide behind the title suit pending between them.

Taking into account the aforesaid facts, this Court does not find any merit in the present petition and is accordingly dismissed.

**(Rajiv Roy, J)**

Prakash Narayan /-

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