

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30067 of 2015

Arising Out of PS. Case No.-88 Year-2012 Thana- PATORI District- Samastipur

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1. Vishwanath Mahto and Anr. Son of Late Raj Kumar Mahto,
 2. Arvind Kumar Mahto, Son of Late Sukhram Mahto, Both are Resident of Village - Bingama, P.O. Jalalpur Police Station - Patori, District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan
For the Opposite Party/s : Mr.Kalyan Shankar app

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-02-2023 Heard Shri Choudhary Shyam Nandan learned counsel for the petitioners and Shri Kalyan Shankar learned APP for the State.

Learned counsel for the petitioners has submitted that petitioner No. 1 has died and therefore he seeks permission to withdraw the application so far as petitioner No. 1 is concerned.

Permission is granted.

Accordingly, the application on behalf of petitioner No. 1 is dismissed as withdrawn.

This petition has been filed for setting aside / quashing the order dated 22.05.2015 in Cr. Revision No. 1313 of 2014 passed by learned A.D.J. V, Samastipur arising out of Patori P.S. Case No. 88 of 2012.



The widow daughter-in-law sold the land to the petitioner No. 1 and the petitioner No. 02 was witness of the sale-deed. The mother-in-law has filed this F.I.R.

It has been submitted by Chaudhary Shyam Nandan, learned counsel for the petitioner No. 02 that this is a malicious prosecution and it has been filed only to harass the daughter-in-law and other accused persons.

Further, it has been submitted by the learned counsel for the petitioner that a Title Partition Suit No. 141 of 2011 is also pending between the daughter-in-law and family of her husband and the case is filed just to settle the personal scores.

Considering the above, it seems that this is a malicious prosecution.

Accordingly, this petition is allowed and the order dated 22.05.2015 in Cr. Revision No. 1313 of 2014 passed by learned A.D.J. V, Samastipur, is hereby quashed, so far as petitioner no. 2 is concerned.

(Sandeep Kumar, J)

Vikas/Shishir

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