

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48242 of 2015

Arising Out of PS. Case No.-27 Year-2009 Thana- BIRAUL District- Darbhanga

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1. SNEH LATA JHA @ SNEHALATA JHA and ANR wife of Naresh Jha @ Naresh Kr. Jha
 2. Naresh Jha @ Naresh Kumar Jha Son of Late Tarakant Jha Both are residents of Village - Jagannatpur, P.S. - Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nitish Kumar Jha, S/O Birendra Jha, R/O

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv Mr. Ritwik Thakur, Adv Mrs. Vaishnavi Singh, Adv
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the	:	Mr. Sanjay Kr. Pandey, Adv Mr. Sudhansu Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 07-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. This application has been filed for quashing of order dated 14.08.2015 passed by learned Judicial Magistrate-1st Class, Biraul in G.R No. 99 of 2009/Tr. No. 1215 of 2015 arising out of Biraul P.S. Case No. 27 of 2009 by which learned Magistrate dismissed the application filed by the petitioner under Section 239 of the Criminal Procedure Code.

3. The prosecution case in brief is that the petitioners along with accused persons armed with weapon came and started abusing and assaulting the informant and also



demolished the boundary wall of the informant. Thereafter, one accused, namely, Naresh Jha ordered to put on fire and accused Snehlata Jha took away bag containing ornaments, cash of Rs. 2000/- and cloths of his mother. It is also alleged that the accused persons threatened the informant not to give information to police about the incident otherwise they will killed him.

4. From reading of the F.I.R, it appears that it is the case of some civil dispute and the entire F.I.R is false and fabricated and the parties are litigating since long. If the parties have any civil dispute, they can litigate in the Civil Court but they are using the criminal Court to wreak vengeance upon the them as one of whom is a lady. In my opinion, no offence is made out against the petitioners. The impugned order dated dated 14.08.2015 passed by learned Judicial Magistrate-1st Class, Biraul in G.R No. 99 of 2009/Tr. No. 1215 of 2015 arising out of Biraul P.S. Case No. 27 of 2009 is hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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