

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64096 of 2019

Arising Out of PS. Case No.-179 Year-2018 Thana- RAGHOPUR District- Supaul

MD. SULEMAN Son of Mansur Mian Resident of Village- Koriyapatti, P.S.-
Raghopur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing of order dated 13.03.2019 passed by learned A.C.J.M, Birpur, Supaul in connection with Raghopur P.S. Case No. 179 of 2018/G.R. No.588 of 2018 by which learned Magistrate has taken cognizance against the petitioner for the offences under Sections 188, 353 and 447 of the Indian Penal Code.

3. It is alleged that the petitioner had constructed the house by encroaching the land of road. It is further alleged that the petitioner did not vacate the land in spite of notice by the office of Circle Officer.

4. It has been submitted by learned counsel for the petitioner that house of the petitioner was illegally demolished



by the State Authorities at the instance of local politician without holding any proceeding under Land Encroachment Act.

5. It has further been submitted that the petitioner has challenged the demolition in C.W.J.C No. 14986 of 2018 which is pending in this Court.

6. The opinion of this Court, no offence is made out against the petitioner in such kind of dispute where writ petition is pending.

7. In view of the aforesaid facts, this application is allowed. The impugned order order dated 13.03.2019 passed by learned A.C.J.M, Birpur, Supaul in connection with Raghopur P.S. Case No. 179 of 2018/G.R. No.588 of 2018 and all consequential proceedings arising out of aforesaid F.I.R are hereby quashed in the interest of justice.

(Sandeep Kumar, J)

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