

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.28 of 2020

Arising Out of PS. Case No.-193 Year-2019 Thana- MUSAHARI District- Muzaffarpur

1. SHAMBHU THAKUR @ Shambhu Prasad Thakur Son of Late Raghunath Thakur Resident of Village - Salha, P.S.- Mushari, Distt - Muzaffarpur.

2. Raushan Kumar Son of Shambhu Thakur @ Shambhu Prasad Thakur Resident of Village - Salha, P.S.- Mushari, Distt – Muzaffarpur ... Petitioners

Versus

1. The State of Bihar

2. The District Magistrate, Muzaffarpur

3. The Senior Superintendent of Police, Muzaffarpur

4. The Station House Officer, Mushari Police Station, Muzaffarpur

5. Siv Shankar Thakur Son of Late Ved Narayan Thakur Resident of Village - Salha, P.S.- Mushari, Distt – Muzaffarpur ... Respondents

Appearance :

For the Petitioners : Mr.Nalin Kumar, Adv.

For the Respondents : Mr.Saroj Kumar Sharma, AC to AAG III

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 25-04-2023 Counsel for the petitioners and State are present.

In this case notices have been validly served, but, respondent no. 5 not appeared.

Counsel for the petitioners has filed this case for quashing of first information report, dated 10.08.2019, bearing Mushari P.S. Case No. 193 of 2019 lodged under Sections 341, 323, 379, 504 and 306/34 of the Indian Penal Code.

Counsel submits that respondent no. 5 is a local Lawyer and at his instance series of cases were filed unnecessarily whereas the real dispute between them is a land dispute for which cases are pending.

Counsel for the State submits that the petitioners may be directed to represent themselves before the Senior Superintendent of Police, Muzaffarpur (respondent no. 3)



intimating the entire things.

The petitioners have no objection for the same.

In this view of the matter, the petitioners are directed to represent themselves before the Senior Superintendent of Police, Muzaffarpur (respondent no. 3), explaining the entire facts which they have narrated in the present writ petition within four weeks in the light of the order passed by the coordinate Bench in Cr.W.J.C. No. 153 of 2017 (Surendra Singh Vrs. State of Bihar & Ors.) and analogous cases decided on 09.09.2022 and the Senior Superintendent of Police is directed to do the needful in accordance the directions given in the above mentioned case.

Till filing of the report under Section 173(2) of the Criminal Procedure Code, 1973, no coercive steps shall be taken against the petitioners.

With this observation, this criminal writ petition is **disposed off.**

(Dr. Anshuman, J)

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