

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9063 of 2022

Arising Out of PS. Case No.-537 Year-2015 Thana- BIDUPUR District- Vaishali

RUPAM DEVI Wife of Late Vikram Singh Resident of Village - Chechar, P.S.
Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bindeshwari Prasad Singh son of Late Brahmdeo Singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
3. Satyendra Singh @ Meghu Singh Son of Bindeshwari Prasad Singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
4. Shiv Ratn singh Son of Bindeshwari Prasad Singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
5. Ritu Raj son of Satyendra Singh @ Meghu singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
6. Bhulan singh @ Bhulla Singh Son of Satyendra Singh @ Meghu Singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
7. Vipin Kumar @ Lalu Kumar Son of Gauri Shankar singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
8. Bhullu Kumar son of Gauri shankar singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
9. Mohan Singh Son of Late Devendra Singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
10. Guddu Singh Son of Hari Shankarr singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.
11. Gauri shankar singh son of Late Bhagwat Singh Resident of Village - Chechar, P.S. Bidupur, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-03-2024 This application has been filed for quashing of the order dated 21.01.2021 passed by the Court of learned Judicial Magistrate, Ist Class, Vaishali at Hajipur whereby Complaint-cum-Protest Petition bearing No.C1-66/2009,Tr. No. 1100/2021 arising out of Bidupur P.S. Case No. 537 of 2015 was dismissed under



Section 203 of the Cr.P.C. on the ground that no prima facie case is made out against these petitioners.

2. The contention of the petitioner is that the petitioner has lodged F.I.R. bearing Bidupur P.S. Case No. 537 of 2015 before the Officer-in-charge, Bidupur Police Station on 31.12.2015 stating therein that the measurement of the land in the light of the order of the Circle officer, Bidupur was conducted in presence of Bindeshwari Prasad Singh but the aforesaid measurement was not acceptable to him. It is further alleged that all the accused persons threatened him that if a compromise is not being done, then they would face severe consequences. It is further alleged that the informant got the tickets booked for the Anchal Amin and also to meet the accused person for amicable solution of the land. It is further alleged that at around 8:00 P.M., when the petitioner called her husband on his mobile, due to network issue, the call got disconnected and further at around 9:30 P.M., the Jija of the petitioner, namely, Krishna Kumar Singh, went out to look for her husband and in that event when he reached Nagar Thana, it was informed that dead body of the Vikram Kumar Singh (informant's husband) was lying and the petitioner suspects that the accused persons killed her husband.

3. It is next submitted on behalf of the petitioner that



police after investigation submitted final form on 31.07.2018 before the learned Court below whereby it has been submitted by the police that death of Vikram Kumar Singh had occurred due to an accident and on the basis of the investigation and inspection and inquiry of the crime scene, case under Sections 279, 304A of Indian Penal Code was lodged against the unknown vehicle driver. The unknown vehicle and its driver who had hit the motorcycle of the deceased had not been located despite several efforts.

4. It is further submitted that thereafter petitioner filed Complaint-cum-Protest petition bearing No.C1-66/2009, Tr. No.1100 of 2021 arising out of Bidupur P.S. Case No. 537 of 2015 before the Court of learned Judicial Magistrate, Ist Class, Vaishali at Hajipur reiterating the allegation made in the F.I.R. therein it is alleged that accused persons (opposite parties) in collusion with Investigating Officer managed the entire episode and the murder of the husband of the petitioner has been given a shape of accidental death. Besides the complaint and six enquiry witnesses were examined on behalf of the petitioner. All the enquiry witnesses have supported the case of the complainant that due to land dispute the accused persons committed the murder of the husband of the informant. The learned counsel further submits that without appreciating the evidence and materials available on record, the



Court below has dismissed the complaint petition of the petitioner. He submits that while dismissing the complaint case, the Court below has failed to take into consideration previous enmity between the parties due to which they committed the murder of the husband. On the aforesaid facts and circumstances, the petitioner prayed that the order dated 21.01.2021 be quashed.

5. On the other hand, learned counsel for the State submits that from bare perusal of the impugned order, it is apparent that none of the witnesses including the complainant have witnessed the alleged occurrence. In the deposition, none of them have stated that they have seen the occurrence, there is no other circumstantial evidence adduced by the complainant on their witness to support the allegations and as such, no interference is required by this Hon'ble Court.

6. Heard counsels for the parties and perused the materials available on record. From perusal of the complaint-cum-protest, it is manifest that complainant only raised suspicion against the opposite parties on the basis of land dispute. In support of the complaint-cum-protest, six inquiry witnesses were examined. All were hearsay witnesses. None of them claimed to have seen the occurrence. No other circumstantial or documentary evidences were brought on record to substantiate the allegation.



Police after thorough investigation, found the case of accidental death and charge-sheet was submitted under Section 279 and 304 'A' of I.P.C. against unknown. Merely on the ground of old dispute, it cannot be said that it was a case of murder. Post-mortem report also does not suggest any assault on the person of deceased.

7. In the aforesaid facts and circumstances, this Court does not find any error in the impugned order of learned Court below dt. 21.01.2021 is well discussed and reasoned order. It does not warrant any interference by this Court.

8. Accordingly, this quashing petition stands dismissed.

(Prabhat Kumar Singh, J)

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