

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10749 of 2018

Arising Out of PS. Case No.-42 Year-2010 Thana- BIKRAMGANJ District- Rohtas

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1. TARKESHWAR SINGH @ MUNNA Son of Late Baldeo Singh,
 2. Abhishekh Kumar @ Abhishekh Kumar Dubey, Son of Awadh Bihari, Both Resident of village- Shivpur, P.S. Bikramganj, District- Rohtas Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sri Shivjee Tiwari, Son of Late Ram Lakhan Tiwari, Resident of Village- Shivpur, P.S.- Bikramganj, District- Rohtas Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-01-2024 1. Heard the learned counsel for the petitioners and the learned APP for the State.

2. The learned counsel for the petitioners seeks quashing of the order of cognizance dated 06.12.2010, passed by the learned S.D.J.M., Bikramganj, in connection with Bikramganj P.S. Case No. 42/2010, arising out of Complaint Case No.68/2010. The learned counsel submits that the informant, who is own brother of Dhanjee Tiwari alleges that Dhanjee Tiwari by forging a sale deed has come in possession of certain piece of land, which belongs to him. The learned counsel next submits that petitioners are co-villagers of the informant and Dhanjee Tiwari. It is further submitted that petitioners were



witness on the sale deed executed by the mother of informant in favour of Dhanjee Tiwari. It is thus submitted that petitioners are innocent and have been falsely implicated in the present case by the informant being witnesses on the sale deed, which was executed by the mother of the informant in favour of her another son Dhanjee Tiwari. It is further submitted that a Partition Suit No.97/2010 is also pending between Dhanjee Tiwari and the informant, as such, it is submitted that the present F.I.R. is nothing but an abuse of the process of the Court. It is next submitted that Dhanjee Tiwari had also moved this Court seeking quashing of the aforesaid order of cognizance by filing Cr. Misc. No.7640/2011 and the said case was allowed by an order dated 27.07.2015 passed by a learned Co-ordinate Bench of this Court as would be evident from Annexure-2 to the quashing application. It is thus submitted that since the case against Dhanjee Tiwari stands quashed, the case of the petitioners are on a better footing.

3. The learned APP is not in a position to rebut the submissions of the learned counsel for the petitioners.

4. Considering the submissions made by the learned counsel for the petitioners and taking into consideration the order dated 27.07.2015 in Cr. Misc. No.7640/2011, the order



dated 06.12.2010 passed by the learned S.D.J.M., Bikramganj,
in connection with Bikramganj P.S. Case No. 42/2010, arising
out of Complaint Case No.68/2010 is hereby set aside.

(Satyavrat Verma, J)

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