

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74264 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- RAJAON District- Banka

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1. SHILA DEVI WIFE OF MANIKANT SINGH RESIDENT OF VILLAGE - RAMPUR, POLICE STATION - RAJOUN, DISTRICT - BANKA
 2. ADITYA KUMAR SINGH @ GYANI SINGH SON OF MANIKANT SINGH RESIDENT OF VILLAGE - RAMPUR, POLICE STATION - RAJOUN, DISTRICT - BANKA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. RANI DEVI @ REENA DEVI WIFE OF ADHIK RAM RESIDENT OF VILLAGE - AMDAHA, POLICE STATION - RAJOUN, DISTRICT - BANKA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-07-2024 Heard the parties.

2. This application has been filed for quashing the order of cognizance dated 11.01.2023 passed by the Court of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 346 of 2022.

3. As per the prosecution case, the petitioners are alleged to have been involved in construction of the boundary wall over the land of the informant and when the informant opposed the same, she was assaulted and her mobile and silver chain were also taken by the petitioners.

4. On the complaint of the informant, the present FIR has been instituted against six persons.



5. It has been submitted by the learned counsel for the petitioners that the petitioners are innocent. He further submits that the FIR has been lodged against six persons and upon investigation, the police submitted charge-sheet against two persons only.

6. It has further been submitted by the learned counsel for the petitioners that the present FIR is counter blast case to Rajoun P.S. Case No. 347 of 2022 because of the pending land dispute between the parties.

7. Learned counsel for the petitioners also submit that the petitioner no. 1 is a lady and she is the mother of petitioner no. 02, who is pursuing Para Medical Science course and also preparing for general competition and with a mala-fide intention, this FIR has been lodged.

8. Learned counsel for the informant and learned APP for the State have vehemently opposed this application by contending that allegations levelled against the petitioners have been found true and therefore charge-sheet has been submitted and cognizance has been taken.

9. I have heard and considered the submissions of the parties.

10. So far as petitioner no. 1 is concerned, there is



general and omnibus allegation against her. She is a lady aged about 46 years and it appears that she has falsely been implicated in this case along with her entire family in the FIR.

11. So far as petitioner no. 2 is concerned, the only allegation against him is of snatching the mobile phone along with one Chotu Singh and it appears that the allegations levelled against the petitioners is ornamental because of the pending land dispute between the parties.

12. In the opinion of this Court, the prosecution of the petitioners is a mala-fide prosecution which is apparent from the reading of the FIR and the other materials available on record and this kind of mala-fide prosecution should not be allowed to continue.

13. Accordingly, this application is allowed and the order taking cognizance dated 11.01.2023 passed by the Court of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 346 of 2022, is hereby quashed.

(Sandeep Kumar, J)

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