

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48687 of 2021

Arising Out of PS. Case No.-321 Year-2019 Thana- SHRIKRISHNAPURI District- Patna

RAM KUMAR SHARMA @ RAJ KUMAR SHARMA Son of Mahanand
Sharma Resident of Anubhuti Apartment, Anandpuri, P.S.- S.K. Puri, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Sharma

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 01-05-2025 Heard the parties.

2. Learned counsel for the petitioner submits that the informant of this case has died. He makes his submission as he knows the informant personally who was a lawyer practicing in this Court has died. Therefore, there is no requirement to issue notice to the informant.

3. The present application has been filed for quashing the order dated 24.09.2020 by which learned IVth A.C.J.M., Patna has taken cognizance against the petitioner in Sri Krishna Puri P.S. Case No. 321/2019, G.R. No. 7590/2019.

4. As per prosecution case, informant alleges that when he was cutting excess lay branches of plants through carpenter, in the meantime, petitioner came and snatched the Ari



from the hand of carpenter and threatened the informant. It is further alleged that informant requested the petitioner to return the Ari but the petitioner did not give the same.

5. It is further submitted that the said case is counter case of Sri Krishna Puri P.S. Case No. 322/2019 lodged by the petitioner against the petitioner. It is further alleged that Partition Suit No. 284/2007 is running between both the parties.

6. It is further submitted that during course of investigation one independent witness namely Rakesh Kumar examined in the case and he clearly stated that entire trees situated in eastern side where the petitioner lives with his family and partition suit is going between the parties. It is relevant to mention that that no case u/s 506 is made out because there is no case of criminal intimidation.

7. It has further been submitted by learned counsel for the petitioner that the informant is the first cousin brother and there is a partition suit pending between the parties because of that this *malafide* prosecution was initiated by the informant. The informant being practicing lawyer was in a habit of initiating false criminal cases against anyone and everyone against whom he has some grudge. The informant has filed more than 10 cases against the petitioner and his family



members. The petitioner is also a practicing lawyer.

8. This kind of malafide prosecution should not be allow to continue.

9. In view thereof, this application is allowed.

10. The order dated 24.09.2020 by which learned IVth A.C.J.M., Patna has taken cognizance against the petitioner in Sri Krishna Puri P.S. Case No. 321/2019, G.R. No. 7590/2019 is hereby quashed.

(Sandeep Kumar, J)

Ranjeet/-

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