

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.996 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- TILAUTHU District- Rohtas

Yashvir Sinha S/O Late Rasik Bihari Sinha Resident of village- Tilauthu,
Post- Tilauthu, P.S.- Tilauthu, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Home, Government of Bihar through its Principal Secretary.
3. The Principal Secretary, the Department of Home, Government of Bihar
4. The Director General of Police, Bihar.
5. The Superintendent of Police, Rohtas
6. The Officer-in-Charge, tilauthu, (Dehri), Rohtas
7. The Officer-in-Charge, Sc/ST, P.S.- Dehri- On-Sone, Rohtas
8. Bhagirathi Chaudhari S/O Late Dukhan Chaudhari Resident of village and Post- Tilauthu, P.S.- Tilauthu, District- Rohtas, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok, Advocate
For the State	:	Mr.Deepak Kumar, AC to GP-4
For the respondent no. 8	:	None

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 10-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. None appears for the respondent no. 8 despite
Vakalatnama having been filed by the State.

3. The present application has been filed for issuance
of appropriate writ order/or orders or direction/directions
commanding the respondents to quash First Information Report
being Tilauthu P.S. Case No.32/2022 dated 11.02.2022 lodged
against the petitioner under sections 147, 149, 323, 379, 427,



504 and 506 of the Indian Penal Code and section 3(i) (r) (s) of the SC/ST Act only to create pressure and evade and delay the eviction suit filed by the petitioner, as admittedly to the informant is a tenant.

4. The prosecution case in brief is that on the written information of one Bhagirathi Chaudhari who states that when he was sitting in his shop, Sudhir Kumar Singh, Journalist, his brother Sunil Kumar Singh, Sudama Yadav and his brother Mukesh Yadav came with 25-30 other persons and attacked his shop. Thereafter, he fled to the floor where Sudama Yadav and Sudhir Kumar Singh beat him and dragged him forcibly on his motorcycle saying that Yashvir Singh and Sanjay Yadav were waiting there for beating him.

5. The informant further states that he was beaten there and was threatened of being murdered within 10 days. The informant also states that he somehow managed to flee from there and when he came to his shop he found medicines of his shop thrown on the road and Yashvir Singh told him that despite being a lower caste you filed a case against me. The informant also states that Sudhir Kumar Singh and Sanjay Yadav told him to vacate the property within 10 (Ten) days or he will be eliminated alongwith his family. The informant further submits



that they have taken away 20-30 thousand after breaking CCTV camera and destroyed lacks rupee of medicines. The informant further states that such kind of incident, as evident from the CCTV camera, has taken place against him because he has filed a Title Suit bearing T.S. No. 1217 of 2017 against Yashvir Singh.

6. Learned counsel for the petitioner submits that in the F.I.R. itself, the informant has admitted that he is a tenant and filed a Title Suit No.1217/2017 against the petitioner but purposely could not disclose the reason of filing. Although he suppressed the real facts operating behind his institution of the title suit but the narration of the F.I.R. makes it ample clear that the said title suit was filed to grab the property of the petitioner.

7. Learned State counsel has submitted that the facts are admitted and it is an admitted fact that the petitioner is the landlord and respondent no. 8 is the tenant.

8. From the record it appears that the petitioner is the landlord and the respondent no. 8 is the tenant and the present prosecution appears to be a *mala fide* prosecution initiated by the tenant against the landlord for oblique motive.

9. In view of the law laid down by the Hon'ble Supreme Court in the case of **State of Haryana & Ors. vs.**



Bhajan Lal reported in **AIR 1992 SC 604**, the prosecution of the petitioner is nothing but an abuse of the process of the Court and the same cannot be allowed to continue.

10. Accordingly, this application is allowed and the FIR vide Tilauthu P.S. Case No. 32 of 2022 and all consequential proceedings arising out of the aforesaid FIR are hereby quashed.

11. Accordingly, this application stands allowed.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

