

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80574 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- CHAUTHAM District- Khagaria

Ram Dulari Devi Wife of Late Bal Mukunda Singh Resident of ward no 5,
Gorhia, village- Gadhiya Ps- Chautham District-Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mohan Thakur S/o- Deo Narayan Thakur Village- Tofhir Garhiya Po-Garhiya Ps- Chautham Dist-Khagaria
3. Rajiv Kumar S/o- Mohan Thakur Village- Tofhir Garhiya Po-Garhiya Ps- Chautham Dist-Khagaria
4. Manoj Kumar Son of Mohan Thakur Village- Tofhir Garhiya Po-Garhiya Ps- Chautham Dist-Khagaria
5. Udit Thakur @ Udit Narayan Thakur S/o- Late Asarfi Thakur Village- Tofhir Garhiya Po-Garhiya Ps- Chautham Dist-Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam .
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 11-07-2025

Heard Mr. P.N. Shahi, learned senior counsel
appearing for the petitioner and learned A.P.P. for the State.

2. During course of argument, it transpires that the
present petition preferred challenging the order dated
09.04.2024 as passed by learned Judicial Magistrate - 1st
Class, Khagaria in Chautham P.S. Case No. 58 of 2023 and
also Criminal Revision No. 47/2024, as passed by the court of
learned Sessions Judge, Khagaria, wherein learned



Magistrate accepted the final form as submitted by the I.O., which was also not interfered by the learned Sessions Judge through aforesaid Criminal Revision. The reason as explained by the learned Magistrate *prima facie* appears justified that the criminal case was initiated under the garb of land dispute, however, as a matter of recourse, the protest petition already filed by the petitioner and same was treated as complaint and was proceeded accordingly, in view of section 200 of the Cr.P.C.

3. Learned senior counsel relied upon the legal report of Hon'ble Supreme Court as available through **Devendra v. State of U.P.** reported in **(2009) 7 SCC 495**.

4. It would be apposite to reproduce para 13 of **Devendra case (supra)**, which reads as under:

“13. There cannot, however, be any doubt or dispute whatsoever that in a given case a civil suit as also a criminal proceeding would be maintainable. They can run simultaneously. Result in one proceeding would not be binding on the court determining the issue before it in another proceeding. In *P. Swaroopa Rani v. M. Hari Narayana* [(2008) 5 SCC 765 : (2008) 3 SCC (Cri) 79] the law was stated, thus: (SCC p. 769, para 11)

“11. It is, however, well settled that in a given case, civil proceedings and criminal proceedings can proceed simultaneously. Whether civil proceedings or criminal proceedings shall be stayed depends upon the fact and circumstances of each case.”



5. The petitioner will get equal opportunity to raise all such issues before the learned Magistrate in his complaint case, which was registered out of protest petition, and, therefore, there is no occasion to interfere with the present impugned order.

6. Considering aforesaid, the present petition appears devoid of any merit. Accordingly, the same stands dismissed.

7. Learned Magistrate is directed to expedite the proceeding of complaint case arising out of protest petition of the petitioner considering aforesaid legal aspect.

(Chandra Shekhar Jha, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025
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