

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5206 of 2024**

**In**  
**CRIMINAL MISCELLANEOUS No.66409 of 2023**

Arising Out of PS. Case No.-45 Year-2016 Thana- SC/ST District- Purnia

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1. Azmat Sultana @ Azmat Sultan Wife of Md. Muslim Khan Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea
  2. Husna Tara Katoon Wife of Lt. Badruddin Ansari Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea
  3. Pinku Son of Md. Muslim Khan Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea
  4. Guriya Khaton Daughter of Lt. Badruddin Ansari Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea
  5. Md. Sonu Son of Lt. Badruddin Ansari Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea
  6. Tinku Son of Lt. Md. Muslim Khan Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea
  7. Tinkal Daughter of Md. Muslim Khan Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea
  8. Arbina Khaton @ Abgina Daughter of Md. Muslim Khan Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Anuradha Devi Wife of Mahesh Lal Uraon Resident of Mohalla - Basant Bag, P.S. - Purnea Sadar, District - Purnea

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s | : | Mr. Alok Kumar Choudhary, Sr. Adv. |
| For the OP no. 2    | : | Mr. Amit Kumar Anand, Adv.         |
|                     |   | Mr. Kumar Manglam, Adv.            |
| For the Spl. PP     | : | Mrs. Usha Kumari, Spl. PP          |

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

ORAL ORDER

7      16-06-2025      Heard the parties.

2. This appeal has been preferred against the order  
dated 16.02.2018 passed by Special Judge SC/ST Act, Purnea in



SC/ST P.S. Case No. 45 of 2016 whereby the learned court below has issued summons against the appellants under Section 448, 341, 323, 354, 379, 504, 506/34 of IPC and 3(i)(r)(s)(w)(i) of SC/ST (POA) Act, 1989.

3. The learned senior counsel for the appellants Mr. Alok Kumar Choudhary has submitted that the land in dispute was purchased by the appellants from the husband of the informant and his brother through a sale deed dated 21.02.2019, and only with an intention to deprive the appellants from their rights, the present case has been filed with ulterior motive. The learned counsel has also submitted that prior to the present case, the appellants had filed Purnea Sadar P.S. Case No. 274 of 2016, dated 26.07.2016, whereas the present case has been filed on 12.09.2016. He has also submitted that the impugned order itself shows that the final form was submitted, showing the present case to be false, but differing with the opinion of the investigating authorities, the learned court below has taken cognizance.

4. On the other hand, the learned counsel for the informant has submitted that *prima facie* case is made out against the appellants and being satisfied, the learned court below has taken cognizance and directed for summons to be



issued against the appellants.

5. It appears that the appellants are purchaser of the land of the informant from husband of the informant and his brother. Admittedly, there is land dispute between the parties. The case filed on behalf of the appellants is prior to the present case, and the investigating authorities have found the present case to be false.

6. Considering the aforementioned facts and circumstances, I do not find merit in the impugned order dated 16.02.2018 which is accordingly quashed and the appeal is allowed.

**(Nawneet Kumar Pandey, J)**

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