

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73816 of 2018

Arising Out of PS. Case No.-141 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Dhananjay Kumar Singh son of Sri Birender Singh Resident of village-
Bhedia, ps- Dehri, Dist- Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pankaj Patel, The Then SDO, Dehri Sub-Division Ps -Dehri, Dist- Rohtas At
Present Special Land Acquisition Officer, Bhagalpur, Po and Ps- Bhagalpur,
Dist- Bhagalpur
3. Vishnu Shankar Prasad Head Clerk, Sub-Divisional Officer, Dehri Po and
Ps- Dehri, Dist- Rohtas bihar
4. Anjani Kumar son of Jaygovind Singh Resident of village- Bhediya, Po and
Ps- Dehri, Dist- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Adv.
For the Opposite Party/s : Dr. Mrityunjay Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 20-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application has been filed on behalf of
the petitioner for quashing of the order dated 02.08.2018, passed
by learned Sub-Divisional Judicial Magistrate, Dehri in
connection with Complaint Case No. 141 of 2018.

3. The prosecution case, in brief, is that the
complainant instituted Complaint Case No. C-141/18 against
O.P. Nos. 2 to 4 alleging that, owing to a long-standing civil
dispute with his co-villager, Anjani Kumar (O.P. No. 4),



proceedings under Section 147 Cr.P.C. were initiated against him in respect of his land. It is alleged that the then learned S.D.J.M., Dehri, initiated the proceedings without obtaining the requisite enquiry report and during the pendency of the case, O.P. No. 3 demanded illegal gratification by assuring that an order would be passed in favour of the complainant. The complainant has further alleged that although the case was fixed for recording evidence on 11.05.2018, it was illegally posted for orders on 27.04.2018 and an order was fraudulently passed without hearing the parties or considering the documents on record. It has also been alleged that the learned S.D.J.M. had not held court on the said date and the accused persons, in conspiracy with one another, fabricated judicial records and documents, thereby causing wrongful loss to the complainant.

4. Learned counsel for the petitioner has submitted that the conduct of the then SDO, Special Land Acquisition Officer, Bhagalpur, one Head Clerk and co-accused Anjani Kumar was not up to the mark and a final order under Section 147 Cr.P.C. came to be passed when the complainant failed to grease the palm of the officers. It has further been submitted that the officers concerned, who were the proposed accused in this case did not discharge their official duties properly due to which



the petitioner being the complainant, suffered huge loss and illegal order came to be passed.

5. Heard the parties and perused the records.

6. Through the complaint, petitioner has set the criminal law in motion, challenging the order of a Quasi-Judicial officer. The appropriate remedy was to challenge that order before the Appellate/Revisional authorities and not by filing a complaint case against the said Quasi-Judicial officers.

7. Considering the facts in its entirety, the impugned order dismissing the complaint of the complainant warrants no interference.

8. Accordingly, the instant application stands dismissed.

(Praveen Kumar, J)

Ankit Kumar/-

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