

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49939 of 2019

Arising Out of PS. Case No.-30 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. SHIV SHANKAR SINGH Son of Late Jamuna Singh Resident of Village- Kathauli, P.S.- Mairwa, District- Siwan.
 2. Santosh Singh @ Santosh Kumar Singh Son of Shiv Shankar Singh Resident of Village- Kathauli, P.S.- Mairwa, District- Siwan.
 3. Vinod Singh Son of Shiv Shankar Singh Resident of Village- Kathauli, P.S.- Mairwa, District- Siwan.
 4. Ashok Singh @ Ashok Kumar Singh Son of Shiv Shankar Singh Resident of Village- Kathauli, P.S.- Mairwa, District- Siwan.
 5. Umesh Singh @ Umesh Kumar Singh Son of Shiv Shankar Singh Resident of Village- Kathauli, P.S.- Mairwa, District- Siwan.
 6. Ramesh Singh @ Ramesh Son of Shiv Shankar Singh Resident of Village- Kathauli, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 20-01-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present application has been filed by the petitioners for quashing the order dated 28.04.2018 passed in complaint case no. CII 30/2017, Tr. No. 3458/2019, by the Chief Judicial Magistrate, Siwan whereby the learned court below took cognizance under Section 188 of the Indian Penal Code against the petitioners.



3. As per the prosecution case, the complainant alleged that despite restraint under Section 144 Cr.P.C., the petitioners entered the disputed land, cultivated crops, kept a tractor, and started poultry farming. On objection, they allegedly abused and assaulted a witness, leading to non-formal FIRs and initiation of proceedings under Section 188 IPC.

4. The petitioners were successful in the proceeding under Section 144 Cr.P.C. and the finding was that the petitioners were in possession of the disputed land.

5. In my opinion on the basis of the report submitted by the police, the petitioners cannot be prosecuted.

6. In these circumstances, this application stands allowed and the impugned order dated 28.04.2018 is hereby quashed.

(Sandeep Kumar, J)

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