

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7315 of 2016

Arising Out of PS. Case No.-1286 Year-2013 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

Arvind Pratap Shahi Son of Raj Kishore Shahi Resident of 36 - MIG,
Sidharth Puram, P.S. Cant Thana, District - Gorakhpur at Present Circle
officer Sidhwalia P.S. Sidhwalia, District - Gopalganj

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Mustaque Ahmed Son of Late Ali Hussain Resident of village - Siswa
Basantpur, P.S. Chautawa, District - West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Adv.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, App

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 06-01-2026 Heard the parties.

2. The present application has been filed on behalf of
the petitioner for quashing the order dated 21.08.2014 passed by
the learned SDJM, Bagaha in Complaint Case No. 1286(c) of
2013 in Tr. No. 5306 of 2014.

3. As per the prosecution case, the accused persons, in
collusion with the petitioner, who was Circle Officer and Halka
Karamchari, has mutated the land of the complainant in the
name of the other co-accused.

4. It has been submitted by the learned counsel for the
petitioner that the impugned order has been passed without
application of mind and the same has been passed in a



mechanical manner. He further submits that the mutation has been carried out after following the due process.

5. In support of his submissions, learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court passed in the case of *State of Haryana Vs. Bhajan Lal* reported in *1992 Supp (1) SCC 335*.

6. Learned counsel for the State has vehemently opposed the application of the petitioner.

7. Upon perusal of the facts of the case and the materials available on record, the present prosecution appears to be mala fide one and considering the law laid down by the Hon'ble Supreme Court in the case of *State of Haryana Vs. Bhajan Lal(Supra)*, the same cannot be allowed to continue.

8. In view of the above, this application is allowed and accordingly, the order dated 21.08.2014 passed by the learned SDJM, Bagaha in Complaint Case No. 1286(c) of 2013 in Tr. No. 5306 of 2014 is hereby quashed.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

