

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57457 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- SASARAM NAGAR District- Rohtas

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1. VIKASH KUMAR SINGH @ VIKASH KUMAR @ BISHAL SINGH Son of Sri Lal Bahadur Singh Resident of Mohallah- Civil Line, Near Sat Paul School, Ward No. 9, P.S.- Sasaram (Model), District- Rohtas at Sasaram (Bihar)
 2. Birendra Kumar Son of Sri Yaduvansh Singh Resident of Mohallah- Raj Colony, Gali No. 5, Ward No.9, P.S.- Sasaram (Model), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Amit Kumar Son of Sri Abhay Kumar Singh Resident of Mohallah- Company Sarai, Ward No.12, P.S.- Sasaram (Model), District- Rohtas at Sasaram (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lallan Pandey, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

2. This application has been filed on behalf of the petitioners for setting aside/quashing the order of cognizance dated 27.04.2019 by which the learned Chief Judicial Magistrate, Rohtas at Sasaram took cognizance under Sections 341/ 323/ 504/ 506/ 379/ 34 of the Indian Penal Code against the petitioners in connection with Sasaram (Model) P.S. Case No. 114/2019.

3. As per the prosecution case, the informant alleged



that on 14.02.2019 the accused, Vikash Kumar and his associates, assaulted him, robbed money and a gold chain, threatened him with a pistol and demanded ransom.

4. Learned counsel for the petitioners submits that from the reading of the FIR, it appears to be a false and fabricated case.

5. The learned counsel for the petitioners has relied upon a judgment of the Hon'ble Supreme Court passed in the case of **State of Haryana & Ors v. Bhajan Lal & Ors, 1992 Supp (1) SCC 335** and has submitted that the present prosecution is a mala-fide one and the same is nothing but an abuse of the process of the court.

6. Per-contra, the learned APP for the State has opposed the application of the petitioners.

7 . The Hon'ble Supreme Court in the case of **Bhajan Lal (Supra)** has held that mala – fide prosecution should not be allowed to continue.

8. On careful examination of the materials available on record, this Court finds that the allegations against the petitioners are mala-fide and the complaint has been filed by the complainant against the petitioners in order to falsely implicate them in a concocted case.



9 . Considering the aforesaid facts and circumstances of the case and the law laid down by the Hon'ble Supreme Court in the case of **Bhajan Lal** (*supra*) , the application stands allowed.

10 . Accordingly, the cognizance dated 27.04.2019 passed by the learned Chief Judicial Magistrate, Rohtas at Sasaram in Sasaram (Model) P.S. Case No. 114/2019 and all the consequential proceedings arising out of the aforesaid complaint case are hereby quashed.

11 . Pending application(s), if any, shall also stand disposed of.

(Sandeep Kumar, J)

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