

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54625 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- PIPRA District- Patna

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KUNDAN KUMAR Son of Ajay Yadav Resident of Village- Behrawan,
Police Station- Pipra, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sanju Devi W/O- Rajundhari Kewat R/O- Behrawanp P.S- Pipra. Dist-
Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54474 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- PIPRA District- Patna

- =====
1. AJAY YADAV Son of Late Vishwanath Roy Resident of Village- Behrawan,
Police Station- Pipra, District- Patna.
 2. Gulshan Kumar Son of Nawal Kishore Yadav Resident of Village-
Shekhpura, Police Station- Pipra, District- Patna.
 3. Nitish Kumar Son of Vijay Singh Resident of Village- Pipra, Police Station-
Ram Krishna Nagar, District- Patna.
 4. Tinku Kumar Son of Umesh Prasad Resident of Village- Pipra, Police
Station- Ram Krishna Nagar, District- Patna.
 5. Ravi Ranjan Kumar Son of Sachchida Prasad Resident of Village- Sati
Asthan Masaurhi, Police Station- Masaurhi, District- Patna.
 6. Pyare Arun Yadav @ prare yadav Son of Arun Yadav Resident of Village-
Paschim Sarira, Police Station- Manjhanpur, District- Kokshamvi (U.P.)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sanju Devi W/o Rajandhari Kewat, R/o Village-Behrawan, P.S.-Pipra,
District-Patna

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54625 of 2019)

For the Petitioner/s : Mr.Ram Naresh Ray, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhayaya, APP

(In CRIMINAL MISCELLANEOUS No. 54474 of 2019)

For the Petitioner/s : Mr.Ram Naresh Ray, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, 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 01.07.2019 by which the learned Judicial Magistrate Ist Class, Masaurhi took cognizance under Sections 147, 148, 149, 323, 341, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act against the petitioners in connection with Pipra P.S. Case No. 32/2019.

3. As per the prosecution case, petitioners threatened Sanju Devi with weapons over a land dispute, assaulted her causing injuries and Ajay Yadav's son Kundan Kumar fired at her. When villagers arrived, the accused fled. Police apprehended others while Ajay Yadav (petitioner no. 1) escaped.

4. Learned counsel for the petitioners submits that from the reading of the FIR, it appears that a civil dispute has been given a colour of criminal case and the sale deed is in the name of the petitioner.

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 01.07.2019 passed by the learned Judicial Magistrate, 1st Class, Masaurhi in Pipra P.S. Case No. 32/2019 and all the consequential proceedings arising out of the aforesaid case are hereby quashed.



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

(Sandeep Kumar, J)

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