

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72675 of 2019

Arising Out of PS. Case No.-352 Year-2018 Thana- PUNPUN District- Patna

1. Rajiv Kumar @ Raju Kumar Son Of Sri Mahendra Prasad @ Mahendra Singh Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
2. Chandan Kumar Son Of Sri Mahendra Prasad @ Mahendra Singh Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
3. Mahendra Prasad @ Mahendra Singh Son Of Late Munni Yadav @ Late Munni Singh Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
4. Pinki Kumari @ Pinki Devi Wife Of Sri Raj Kumar @ Raju Kumar Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
5. Mahadeo Yadav @ Mahadeo Prasad Son Of Munni Yadav @ Munni Singh Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
6. Mahanand Yadav @ Mahanand Singh Son Of Late Yogeshwar Yadav @ Late Yogeshwar Singh Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
7. Nitish Kumar @ Pintu Son Of Mahadeo Yadav @ Mahadeo Prasad Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
8. Jai Prakash Yadav @ Vidya Nand Yadav Son Of Late Yogeshwar Yadav @ Late Yogeshwar Singh Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
9. Subhash Kumar Son Of Sri Jai Prakash Yadav @ Vidya Nand Yadav Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
10. Sakuntala Devi Wife Of Sri Mahadeo Prasad Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
11. Shushma Devi D/O Sri Mahendra Singh @ Mahendra Yadav Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
12. Nilam Devi Wife Of Sri Sahdeo Yadav Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.
13. Dharamshila Devi @ Kushum Devi Wife Of Sri Mahanand Yadav @ Mahanand Singh Resident Of Village - Manorah, P.S.- Punpun, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satendra Kumar Son of Late Rajendra Prasad Resident of Village - Manorah, P.S.- Manorah, Distt - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Narsingh Tanti, APP
For the O.P. No. 2 :	Mr. Rajendra Narain, Sr. Advocate
	Mr. Arvind Prasad Singh, Advocate



CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 27-01-2026 Heard the learned counsel for the petitioners, learned APP for the State and the learned Senior counsel for the O.P. No. 2.

2. This application has been filed for quashing of the order dated 10.07.2019 passed by the Learned Judicial Magistrate, 1st Class,, Masaurih, Patna by which the cognizance was taken in this case for the offence under Sections 147, 149, 341, 323,307, 379, 504 I.P.C. and 27 of the Arms Act in connection with Punpun P.S. Case No.- 352 of 2018.

3. As per the prosecution case, the complainant namely Satendra Kumar, a resident of village Manorah Punpun, Patna, filed a written complaint before the Learned S.D.J.M., Masaurih, Patna, on 14.12.2018, bearing Complaint Case No. 715(c)/2018. He alleges that on 09.12.2018, at 10:00 A.M., the accused persons unlawfully harvested paddy crops from his land. When the complainant protested, the accused assaulted him using the butt of a pistol and other weapons, such as lathis and iron rods. As the complainant fled towards his house, the accused fired at him. Thereafter, his nephew, Aditya Kumar, sent a letter on 02.11.2018 to various authorities, including the S.D.O. Masaurih, District Magistrate, Patna, and the Dy.S.P.



Masaurih, requesting security, but no action was taken. As a result, Satendra Kumar attached land receipts and a possession certificate to his complaint, claiming a loss of Rs. 1,00,000. The complainant then requested that the case be referred to the Punpun Police Station under Section 156(3) of the Cr.P.C. After receiving the complaint, the learned S.D.J.M., Patna, passed an order on 14.12.2018, directing that the complaint be forwarded under Section 156(3) Cr.P.C. for the registration of an FIR. Consequently, the FIR was lodged on 21.12.2018.

4. The learned counsel for the petitioners submits that after conclusion of the investigation, the police submitted charge sheet in this case vide Charge Sheet No.- 158 of 2019 against the accused persons for the offence under Sections 147, 149, 341, 323, 307, 379, 504 I.P.C. and 27 of the Arms Act.

5. The learned counsel for the petitioners further submits that earlier, one Raj Kumar Singh had lodged Punpun P.S. Case No. 206 of 2017 against the informant and others for the offence under Sections 302, 34 of the Indian Penal Code, and Section 27 of the Arms Act and the present case is nothing but a counterblast of Punpun P.S. Case No. 206 of 2017 only to save the skin.

6. The learned APP for the State and the learned



Senior counsel for the O.P. No. 2 have opposed the prayer of the petitioners.

7. I have heard and considered the submissions of the parties and have gone through the records of the case. From the perusal of the materials available on record, it appears that the present case has been filed by the informant against the petitioner as a counterblast to the earlier murder case.

8. In view of the aforesaid discussions, the application stands allowed. Accordingly, the order dated 10.07.2019 passed by the Learned Judicial Magistrate, 1st Class, Masaurih, Patna in Punpun P.S. Case No. 352 of 2018 and all consequential proceedings arising out of the aforesaid FIR are hereby quashed.

(Sandeep Kumar, J)

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