

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79421 of 2025

Arising Out of PS. Case No.-1874 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Mantu Kumar S/o Late Ramchandra Singh Mohalla- New Yarpur Janta Road
GPO, PS- Gardnibagh, Distt- patna Present Address Ramchandranagar
Colony, Hulupur, P.O.- Pakari, P.s.- Beur, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhanshu Shekhar, Project Director, National Highway authority of India India
3. Sadare Alam, Chief General Manager, National Highway Authority of India, Office address- Patna House no. D-63, Rajesh Kumar Path, Srikrishnapuri Patna, Present address National Highway Authority of India, B Block, ground floor, Shiv Mitra apartment, Vivekanand Marg, Boring Road, Patna
4. Gulam Kadir S/o Jahir Abbas Project Director, National Highway authority of India B Block Ground floor, shiv mitra apartment, Vivekanand Marg, Boring Road, Patna
5. District Magistrate, Mr. Sanjay Kumar Singh, Patna Collectorate patna, P.S.- Gandhi Maidan, Patna
6. Abdul Wahab Ansari, District Land Acquisition officer, Patna Collectorate, P.s.- Gandhi Maidan, Distt.- Patna
7. Mohammad Maqsood Alam, SDO, Patna Sadar, Patna Collectorate, P.S.- Gandhi Maidan, Distt. Patna
8. Vinod Kumar Singh, DCLR, Patna Sadar, Patna Collectorate, Patna, P.S.- Gandhi Maidan, Distt.- Patna
9. Ashok Kumar Thakur, Registrar, Patna Sadar Patna, Present address- Chhajubaag, Registration Office Police Station - Kotwali, Distt.- Patna
10. Mr. Vijay Kant Sinha, Circle Officer, Phulwari Sharif Block , P.S.- Phulwari Sharif, Distt.- Patna
11. National Highway authority of India, Ministry of Road Transport and Highways, New Delh India
12. Office incharge M.A. Section Patna High Court, Panta Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 04-05-2026

The petitioner appears in person being the



complainant of this case as the complaint of the petitioner was dismissed under the provisions under Section 203 of the Cr.P.C., the learned Magistrate observed as follows: -

“Therefore, this court on perusal of case-record and after due scrutiny of materials brought on record finds that there are not sufficient materials on record regarding alleged offences mentioned in the complaint-petition, this case is civil in nature and Bonafide fair of residential land is involved in this case and an attempt has been taken to move criminal law into motion to settle such land disputes, to make out the prima-facie case against the persons named in the complaint-petition. Hence on the light of aforesaid discussion, it is, hereby, ordered for the dismissal of the instant complaint-petition u/s 203 Cr.P.C.)”

2. The petitioner preferred Cr. Revision No. 806/2023 and the same also came to be dismissed by judgment dated 17.07.2025 passed by learned Additional Sessions Judge XVII. The findings, on which the revision petition came to be dismissed, has been discussed in paragraph nos. ‘18’, ‘19’, ‘20’, ‘21’, ‘22’ and ‘23’ of the revisional order dated 17.07.2025, which is reproduced herein: -



“18. Perused the record of complaint case no. 1874 C / 2023, the oral as well as documentary evidence adduced by the complainant during enquiry. From allegations it appears that the land bearing plot no. 368 appertaining to khat no. 224 in Mauza - Nathupur and plot no. 292 appertaining to khata no. 44 in Mauza belonging to the complainant, were acquired by the National Highways Authority of India (NHAI) for widening N H - 30 (Patna Buxar four lane) and compensation for the aforesaid land of complainant was determined on the basis of a valuation report dated 23.05.2013 in which the nature of aforesaid acquired residential land of complainant was converted into agricultural land so, no proper compensation for the aforesaid land was determined and paid to the complainant and further in the alleged report dated 23. 05. 2013 the nature of land shown in some of sale deeds, have been wrongly stated as agricultural but actually in the said sale deeds, the nature of land is mentioned as residential and as such, the valuation report dated 23.05.2013 is fake, forged and fabricated and the same has been prepared in connivance with all accused persons named in complaint case. In support of allegation, the complainant has examined three



witnesses at inquiry stage apart from his own statement on S.A. The complainant has also adduced some documentary evidence such as sale deeds as well as the copy of said rate report dated 23.05.2013. On perusal of allegation and the material available on record it appears that the dispute arose due to mentioning the nature of acquired land of complainant as agricultural in said report dated 23. 05. 2013 and due to which the complainant suffered as huge loss in compensation as he claimed that his land was residential land. Therefore, the matter in dispute clearly involves a question of proper determination of compensation of acquired land of the complainant which is purely a civil nature.

19. Moreover, even if allegations made in complaint petition is taken at their face value then also they do not make out any case against the accused persons. Further, the complaint does not disclose the essential ingredients of any of the offences as alleged against the accused persons. From the allegations it appears that this a purely civil dispute for which no criminal proceeding can be initiated.

20. In view of aforesaid facts it is quite clear that the learned Magistrate has properly applied his



judicial mind on the materials available on the record to find out whether there is prima facie case for issuance of the process against the accused or not.

21. In the light of discussions made in the foregoing paras, I am of the considered opinion that there is no error and illegality in the impugned order.

22. Therefore, within the ambit of facts discussed supra, I am unable to appreciate the argument of learned counsel for the revisionist/petitioner.

23. After considering the facts discussed above and carefully scanning the materials placed on the record, I reach to the conclusion, that the impugned order dated 31. 10. 2023 is proper and legal and hence, it requires no interference by this Court and accordingly, this revision petition is dismissed. Let a copy of this order be communicated to the concerned Court and the record of Complaint Case No. 1874 C/2023 be also sent to concerned Court and further, consign this record to record room.”

3. The petitioner has challenged the impugned order on the ground that the same is not tenable in the eye of law as well as the facts of the case. There are sufficient materials on record to proceed against the accused persons. The finding that



the case is of civil nature does not appear to be justified as there is immense criminal intent in it and the learned Magistrate ought to have taken cognizance against the accused persons on the basis of ample *prima facie* material. The report of the concerned authorities are fake, forged and fabricated and the report dated 23.05.2013 contains false and fabricated sale deed. The residential land of the complainant has been converted in agricultural one, and thus, on the basis of forged and fabricated reports, the claim of the petitioner has also been dismissed in the arbitration case. Upon query from petitioner, who has appeared in person, that whether he has accepted the compensation, as decided by the authorities, in reply, he has submitted that he has accepted the compensation with objection.

4. Heard the parties and perused the records.

5. Considering the fact that the petitioner has raised a grievance of civil nature in a criminal complaint proceeding, no interference in impugned order is required.

6. This application is accordingly dismissed.

(Praveen Kumar, J)

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