

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86302 of 2019

Arising Out of PS. Case No.-641 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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SHAMBHU KUMAR @ SHAMBHU KUMAR ROY Son of Sri Sitaram Roy
Resident of Village - Shankarpura, P.S.- Hasanpur, Distt - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vijayeshwar Prasad Singh Son of Late Motishwar Prasad Singh Resident of Village - Alamnagar, P.S.- Alamnagar, Distt - Madhepura.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 78215 of 2019

Arising Out of PS. Case No.-641 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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RAJNISH KUMAR @ RAJNISH KR. SINHA Son of Sri Digambar Prasad
Sinha Resident of Village-Chandipur, P.S.-Warsaliganj, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rajnish Kumar Singh S/O Late Vijayeshwar Prasad Singh R/O-Alamnagar, PS-Alamnagar, District-Madhepura

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 86302 of 2019)

For the Petitioner/s : Ms.Mahasweta Chatterjee, Advocate

For the State : Mr.Shantanu Kumar, APP

For the O.P. No. 2 : Mr.Avinash Kumar , Advocate

(In CRIMINAL MISCELLANEOUS No. 78215 of 2019)

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

For the O.P. No. 2 : Mr.Avinash Kumar , Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 27-01-2026 Heard the parties.

2. The present applications have been filed for



quashing the order dated 24.05.2018 passed by the Judicial Magistrate, 1st Class-cum- Principal Magistrate, Madhepura in Complaint Case No. 641/2017 by which learned Magistrate has taken cognizance of offence under Sections 417, 420, 448, 504 and 506 of the Indian Penal Code against the petitioners and one another accused.

3. As per the prosecution case, complainant, Vijyeshwar Prasad Singh, filed a complaint on November 8, 2017, against three accused persons regarding a pond situated on specific land plots belonging to Prem Kumar Singh's ancestor. The complainant claimed he purchased the land in 2002, and after the original owner's death, the land was sold and registered in 2016 with a government lease created.

4. Learned counsel for the petitioners submits that it is a case of civil dispute for which no criminal case can proceed and therefore, the complainant needs to file a civil suit before the concerned court below.

5. Learned counsel for the State as well as learned counsel for the O.P. No. 2 have jointly opposed the prayer of the petitioners.

6. From the submissions of the petitioners, it appears that at the stage of cognizance, the petitioners want this Court to



consider the defence material which cannot be considered by this Court even at the stage of framing of charge.

7. In these circumstances, I am of the opinion that this Court should not interfere with the order taking cognizance on the basis of the defence materials produced by the petitioners.

8. Accordingly, this application stands dismissed with liberty to the petitioners to raise all the grounds at the stage of framing of charge in accordance with law.

(Sandeep Kumar, J)

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