

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65412 of 2018

Arising Out of PS. Case No.-2881 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Ram Naresh Rai Son of Late Hirday Rai, Rsidnet of Village- Basudeopur,
Police Station- Muffasil, Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Ramashray Rai, Son of Late Deo Nandan Rai.
3. Shambhu Kant Rai, Son of Ramashray Rai,
4. Saroj Kant Rai, Son of Ramashray Rai,
5. Baidyanath Rai, Son of Late Bachan Rai.
6. Sanjay Rai, Son of Baidya Nath Rai.
7. Rajiv Rai, Son of Baidya Nath Rai.
8. Kailu Rai, Son of Jaganath Rai, All resident of Village- Basudeopur, Police
Station- Muffasil, Begusarai, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

6 21-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for quashing
of the order dated 22.06.2018 passed by the learned Additional
Chief Judicial Magistrate-1st, Begusarai, in Complaint Case No.
2881 of 2015, whereby the petition under the provision of 278
Cr.P.C. dated 20.08.2016 has been dismissed.

3. As per the allegation, when the complainant was
cultivating his field, in the meantime, all the accused persons



came there and protested to cultivate. On protest, they assaulted the complainant by means of fists, legs, lathi and danda, but he was saved on the intervention of the witnesses. The cause of occurrence is that on 20.08.1940, the uncle of the complainant, namely Late Bano Rai, and others purchased Khata No.1, Plot no.1066, and subsequently out of the plot 5 katha 5 dhur land came in share of Late Bano Rai. After the death of Bano Rai, the complainant and his brother came in possession over the land and since then the land is coming in their possession. The accused person under a conspiracy, concocted a forged and fabricated genealogical table, stating therein that Late Bano Rai was married and he had one daughter, namely Rampari Devi, who was married with Maheshwar Singh and she gave birth to several sons including Ram Chandra Singh, but the real truth is that Late Bano Rai was uncle of the petitioner (Ram Naresh Rai) who died unmarried. Rampari Devi was not the daughter of Late Bano Rai, rather she was the daughter of Late Dularu Rai. The son of Late Rampari Devi, namely Ram Chandra Singh, happens to be relative of the accused persons who have concocted the forged genealogical table and other documents to occupy the land in question.

4. Learned counsel for the petitioner has submitted



that certain facts which he has stated in his deposition and was found to be true at the time of signing the deposition, after reading the same, would not find place when the certified copy of the said depositions was procured. Learned counsel for the petitioner has further submitted that the fact which the witnesses had stated in evidence was an important one and the non-mention of the same in their depositions will cause prejudice to him and hence the order impugned suffers from serious infirmities.

5. Learned counsel for the State opposed the prayer of the petitioner.

6. Heard the learned counsel for the parties and perused the records.

7. From the plain reading of the provisions of 278 of Cr.P.C., it would manifest that corrections, if required, can only be made when the witness denies the correctness of any part of the evidence upon it being read over to them. From the records, it transpires that the witnesses have specifically signed the depositions testifying to the fact that they had read over the same and finding the same to be true, they put their signatures upon such statement. In light of the signature on the deposition, this Court finds that the court below has rightly dismissed the



petition of the complainant and the same does not require interference.

8. Considering the entire facts and circumstances of the case, this quashing application is devoid of merits and is accordingly dismissed.

(Praveen Kumar, J)

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