

Madhurendra Kumar Singh @ Madhurendra Singh and ors Vs. State of Bihar

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Court : Patna

Decided On : Sep-12-2013

Appellant : Madhurendra Kumar Singh @ Madhurendra Singh and ors

Respondent : State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.14622 of 2001

===== 1.

Madhurendra Kumar Singh @ Madhurendra Singh, S/o. late Thakur Yugal Kishore Singh, resident of Village- Dumri Khurd, P.S. Majorganj, District- Sitamarhi.

2. Maheshwar Prasad Singh @ Maheshwar Singh, S/o. late Yogendra Singh, 3. Vinod Singh @ Vinod Kumar Singh, S/o. Rama Nand Singh, 4. Bablu Singh, S/o. Maheshwar Singh, 5. Lalan Kumar Singh, S/o. late Niranjana Singh, 6. Ram Kalewar Singh, S/o. bindeshwari Prasad Singh, Petitioner Nos. 2 to 6 are residents of village and P.O. Dumri Kalan, P.S. Majorganj, District- Sitamarhi.

7. Birendra Singh @ Birendra Kumar Singh, S/o. Ram Chandra Singh, R/V. & P.O. Bhokraha, P.S. Majorganj, District- Sitamarhi.

8. Ram Shrestha Singh, S/o. late Ganga Singh, 9. Turant Lal Singh, S/o. Baso Singh, 10. Umesh Singh @ Umesh Kumar Singh, S/o. Turant Lal Singh, Petitioner Nos.8 to 10 are residents of Village & P.O. Dumri Kalan, P.S. Majorganj, District-

Sitamarhi.

11. Aziz Baitha, S/o. late Mohammadin Baitha, 12. Suleman Baitha, S/o. late Mohammadin Baitha, 13. Shambhu Singh @ Shambhu Prasad Singh, S/o. Raj Karan Singh, 14. Vinod Singh @ Vinod Kumar Singh, S/o. Ram Naresh Singh, Petitioner Nos. 11 to 14 are residents of Village & P.O. Dumri Khurd, P.S. Majorganj, District- Sitamarhi.

15. Ashok Singh @ Ashok Kumar Singh, S/o. Prithwi Singh, resident of Village Dumri Kalan, P.S. Majorganj, district- Sitamarhi.

16. Phuleshwar Raut, S/o. late Anand Raut, Resident of Village & P.O. Dumri Khurd, P.S. Majorganj, District- Sitamarhi.

17. Dinesh Singh, S/o. Ram Chandra Singh, 18. Dharendra Singh, S/o. Sabad Singh, 19. Sia Ram Singh, S/o. Ekbal Singh, No.17 to 19 are resident of Village & P.O. Dumri Kalan, P.S. Majorganj, district- Sitamarhi.

20. Shambhu Singh, S/o. Gangadeo Singh, R/o. Village & P.O. Belahiyan, P.S. Sahiara, District- Sitamarhi.

21. Anutha Paswan, S/o. Ghuran Paswan, resident of village & P.O. Bhokraha, P.S. Majorganj, District- Sitamarhi, 22. Bhultun Singh, S/o. Baso Singh, resident of Village- & P.O. Dumri Kalan, P.S. Majorganj, District- Sitamarhi. Petitioner/s Versus The State Of Bihar Opposite Party/s

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Appearance : For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate. Mr. Raju Giri, Advocate. For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

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Patna High Court Cr.Misc. No.14622 of 2001 dt.12-09-2013 2/2 CORAM:
HONOURABLE JUSTICE SMT. ANJANA PRAKASH ORAL

JUDGMENT

Date:

12. 09-2013 Anjana Prakash, J The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 10.05.2001 passed by Chief Judicial Magistrate, Sitamarhi in Majorganj P.S. Case No. 45 of 1993. The Informant alleged that on the date of occurrence the accused persons destroyed his hut assaulted him and took away the building materials. The submission of the Petitioner is that fact of the matter is that the parties are litigating on account of land in question. Both the parties lay claim over the said land and in this background if at all the Petitioners have acted it is in bonafide exercise of their Civil Rights and hence no criminal offence is made out. A number of documents have been annexed in the petition to show the various orders passed by many functionaries including this High Court declaring the land to be that of the Petitioners. Considering such aspect of the matter, the application is allowed and the entire proceeding including the order of cognizance dated 10.05.2001 passed by Chief Judicial Magistrate, Sitamarhi in Majorganj P.S. Case No. 45 of 1993 is hereby quashed. (Anjana Prakash, J) Mkr./-

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