

Hanuman Ram Vs. State of Bihar and anr

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Court : Patna

Decided On : Aug-22-2013

Appellant : Hanuman Ram

Respondent : State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.29210 of 2007

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Hanuman Ram, son of Sri Sita Ram, resident of village Pach Pokhari, P.S. Kudra,
District Kaimur, Bhabua, officer Incharge Sikraul, P.S., District Buxar
Petitioner/s Versus 1. The State of Bihar 2. Abadhesh Tiwary alias Jyotishi Jee,
son of Tulak Raj Tiwary, resident of village Belaw, District Bhabua (Kaimur), at
present resident of village Barau Kala, P.S. Sikraul, District Buxar Opposite
Party/s

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Appearance : For the Petitioner/s : None For the State : Mr. Matloob Ram, A.P.P.
For Opposite Party No.2 : Mr. Ambuj Nayan Choubey, Advocate Mr. Gopal
Swaroop Dubey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH ORAL

JUDGMENT

Date:

22. 08-2013 No one appears on behalf of the Petitioner. The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 22.7.1998 passed by the Judicial Magistrate, Buxar in Complaint case No.526(C) of 1996. The case of the prosecution is that while Mahanth Achyut Prapannacharya was giving a religious discourse, the accused persons came there and started to conduct a search. Thereafter the Petitioner arrested Triloki Singh and took away his rifle. When Mahanth Achyut Prapannacharya protested, the accused persons variously armed came into the room and committed theft of personal belongings as also assaulted them. The said Triloki Singh also put under arrest by the police. Patna High Court Cr.Misc. No.29210 of 2007 dt.22-08-2013 2 It appears that the Petitioner was posted as Officer-Incharge of Sakraul Police Station on the said date and had gone for investigation along with armed force and chaukidars. In course of search, several persons fled away but some fire arms were recovered and some persons were arrested. However, the villagers attempted to get them freed forcibly as also started firing at the police force and the police party also fired in defence. One person was arrested but he failed to produce any document with regard to the fire arms. It appears that after the present case was instituted, the present Complaint was filed in order to screen themselves from the perils of this First Information Report. It has been submitted on behalf of the Counsel for the Opposite Party No.2 that the accused have been acquitted in the case instituted by the police party and that this quashing application has been preferred after much delay. Considering that the Complaint was filed after the First Information Report was instituted by the Petitioner, even though the accused were acquitted, the fact remains that such a report was filed. Hence, the application is allowed and the entire proceeding including the order dated 22.7.1998 passed by the Judicial Magistrate, Buxar in Complaint case No.526(C) of 1996 is hereby set aside. However, the quashment of the present proceeding shall have Patna High Court Cr.Misc. No.29210 of 2007 dt.22-08-2013 3 no bearing on any civil litigation pending between the parties with regard to claim of any land. (Anjana Prakash, J) NAFR/Narendra/-