

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24849 of 2017

Arising Out of PS. Case No.-65 Year-2016 Thana- ARARIA District- Araria

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1. Krishna Murari and Ors Son of Late Chandra Prakash Narayan, Resident of Village Chitra Gupta Nagar Ward No. 21, P.S. District- Araria.
 2. Mahboob Alam.
 3. Fakre Alam, Both are Sons of Late Abdul Rasid @ Majid, Both are Resident of Village Kharaiya Basti Ward No. 17, Rahika Tola, P.S. District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Narayan Mandal, Son of Late Fatru Mandal, Resident of Village P.S. Tarawari, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mrigendra Kumar, Adv.
For the Opposite Party/s :	Mr. Sri Nand Kishore Pd, APP
	Mr. Ramesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 17-08-2026 Heard learned counsel for the petitioners, learned counsel appearing for opposite party no.2 / informant and learned counsel appearing for the State of Bihar.

2. This application has been filed for quashing the order taking cognizance dated 08.11.2016 passed in G.R. No.325 of 2016 arising out of Araria P.S. Case No.65/2016 dated 06.02.2016 by the learned Addl. Chief Judicial Magistrate-IV, Araria, who was pleased to take cognizance for the offences under sections 420, 406, 467, 468 & 471/34 of the Indian Penal Code and thereafter, the office was directed to issue summons to the accused for their appearance. The



petitioners being aggrieved have challenged the order taking cognizance by filing this criminal miscellaneous case.

3. On 04.10.2023, the further proceeding before the court below had been stayed and thereafter no progress has obviously taken place.

4. It is submitted by learned counsel for the petitioners that from the perusal of the allegation as alleged in the FIR, it would be manifest that the dispute is purely civil in nature to which a criminal colour has been given. It is next submitted that even presuming what has been alleged is true, without admitting, then also it is not the case of the informant that petitioner no.1, who is the purchaser of the land in question has purchased the same land which belongs to the informant.

5. Learned counsel appearing for the informant / opposite party no.2 is unable to demonstrate that the petitioner no.1 who is the purchaser of the land in question had purchased the same land which is alleged to be belonging to the informant / opposite party no.2.

6. It is also taken note of by this Court, that the petitioner no.2 and 3 are the vendors and the petitioner no.1 is the vendee, and therefore even the petitioner no.2 and 3 have been wrongly implicated in the present case lodged by the



informant / opposite party no.2.

7. Having heard the parties at length and after having perused the allegations levelled in the FIR, it is clear that though the khata number of the land is the same i.e. 861, but the plot sold is different as would be manifest from the Annexure-2 to the quashing application i.e. the sale deed.

8. In such view of the matter no prima-facie case is made out against the petitioners of offences under sections 420, 406, 467, 468 & 471/34 of the Indian Penal Code and therefore continuance of the case before the court below would be an abuse of the process of the court. The order taking cognizance dated 08.11.2016 passed in G.R. No.325 of 2016 arising out of Araria P.S. Case No.65/2016, is therefore, quashed.

(Alok Kumar Sinha, J)

Prakash Narayan

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