

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41270 of 2012

Arising Out of PS.Case No. -277 Year- 2010 Thana -null District- BHAGALPUR

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1. Rupam Devi @ Rupam Rani W/O Sadanand Singh Resident Of House No. 17, Jawaripur, P.O & P.S- Tilakamanjhi (Kotwali), Distt- Bhagalpur.
2. Sadanand Singh S/O Late Ram Lagan Singh Resident Of House No. 17, Jawaripur, P.O & P.S- Tilakamanjhi (Kotwali), Distt- Bhagalpur.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Niranjan Kumar Poddar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-08-2015

Learned counsel for the petitioners seeks permission to withdraw the application with regard to Petitioner no. 1 since she is no more.

It is dismissed as such.

The Petitioner no. 2 seeks quashing of the order of cognizance dated 20.10.2010 passed by the Judicial Magistrate 1st Class, Bhagalpur in Tilakmanjhi (Kotwali) P.S. Case No. 277 of 2010.

The case of the informant is that there was an agreement with the Petitioner no. 2 for a sum of rupees one crore eleven lakh for selling a property. However, despite having received the money the accused persons forcibly stopped the construction work and also committed theft of property.

It has been submitted on behalf of the Petitioner no. 2 that 89 decimals of land was decreed as evacuee property which was auctioned in 1960 and highest bidders were allotted the said land. However, they were not issued sale certificate by the Government on account of pending litigations. In the year 1962 three highest bidders received the same on payment of consideration amount where after the petitioner started residing there. Since certificates were also issued in the name of legal heirs of the aforesaid three highest bidders, the Petitioner no. 2 was given rent receipt. Now litigations are being built up by the informant only for the reason that he wants to grab the property even though there has been no financial transaction between the parties. All the allegations are oral in nature.

On the last occasion notices had been issued to the O.P. No. 2 but none appears on his behalf.

Having considered the factual aspects of the matter, the application is allowed and the order of cognizance dated 20.10.2010 passed by the Judicial Magistrate 1st Class, Bhagalpur in Tilakmanjhi (Kotwali) P.S. Case No. 277 of 2010 is hereby set aside.

(Anjana Prakash, J)

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