

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7451 of 2016

Arising Out of PS.Case No. -140 Year- 2009 Thana -LAKHISARAI District- LAKHISARAI

Manoj Yadav Son of Ram Sagar Prasad Yadav Resident of Village-
Kabaiya, P.S. Kabaiya, District Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate.

For the Opposite Party : Mr. Ram Sevak Choudhary(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-08-2016 Heard both sides.

The petitioner filed petition under Section 482 Cr.P.C.
for quashing the order dated 23.09.2015 passed in G.R. No. 319 of
2009.

The informant lodged Lakhisarai P.S. Case No. 140 of
2009 alleging therein that the petitioner and two others Anil Singh
and Dabloo Bhagat persuaded him to purchase a tractor. All the
three persons obtained signature of the informant on a plain paper
and thereafter they made interpolation in paper of loan. Only
tractor was handed over to the informant. The trailer, cultivator
and other accessories were not handed over to the informant, but
in the loan document all the accessories are shown to have been
delivered. The police after investigation submitted final form

finding the case true against the petitioner and others. After perusing the records, the learned Judicial Magistrate, Lakhisarai took cognizance under Sections 406, 420, 467, 468, 471 and 34 of the Indian Penal Code and directed to issue summons.

Shri Bhola Prasad, learned counsel for the petitioner submits that firstly, the informant filed a case in the consumer forum bearing Consumer Case No. 15 of 2007, in which the Chairman of the District Consumer Forum did not find any material against the petitioner. The petitioner is said to be the agent of the tractor agency. The District Consumer Forum passed order against the owner of the tractor agency and the bank manager for making interpolation. It is submitted that there is no material to take cognizance against the petitioner, but I do not find any force in the submission of the learned counsel for the petitioner as the informant has made very specific allegation that firstly, it was the petitioner who approached the informant and persuaded him to purchase a tractor, thereafter, on his persuasion the informant put signature on different papers, but only tractor was handed over to the informant and no accessories of the tractor were given. The loan account shows that the tractor with all accessories was handed over to the petitioner.

Considering the facts aforesaid, I do not find any merit

in the quashing petition. Accordingly, the same is dismissed.

However, the petitioner, if so advised, may raise all the points with documents, if any, at the time of framing of charge.

(Prabhat Kumar Jha, J.)

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