

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49267 of 2013

Arising Out of PS.Case No. -230 Year- 2013 Thana -GAYA MUFFSIL District- GAYA

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1. Indardeo Yadav S/O Late Sitaram Yadav R/O Village- Kandi Nawada,
P.S.- Chandauti, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Shashi Shekar Kumar S/O Sri Awadhesh Kumar Singh R/O
Mohalla- Manpur Kumhar Toli, P.S. Muffasil, District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

For the Opposite Party/s : Mr. Mayanand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 18-04-2016 Heard learned counsel for the parties.

The present application has been filed seeking quashing of the First Information Report of Muffasil P.S. Case No. 230 of 2013, disclosing offences punishable under Sections 406,420,467,468,470,471 read with Section 34 of the Indian Penal Code.

Briefly narrated, the case of the prosecution is that an agreement was executed on 25.05.2012 between the Opposite party No.2 (Informant) and the petitioner for sale of Plot No. 1023, Khata No.60 against which a sum of Rs. 50,000,00/- was paid by Opposite party to the petitioner. After the said agreement having been entered into, the Opposite party learnt that the

petitioner had already sold the land to someone. On the allegation that the petitioner mis-represented the facts and induced the petitioner to pay the said amount of Rs. 50,000,00/- which he misappropriated, the present First Information Report came to be registered.

It appears that for the purpose of grant of regular bail, the petitioner agreed before the Court below that he would be paying the informant to a sum of Rs. 70,000,00/-. He has not paid the said amount and accordingly his bail bond has been cancelled, as submitted by the learned counsel appearing on behalf of Opposite party No.2, which fact has not been disputed by the learned counsel appearing on behalf of the petitioner.

It cannot be said that on the basis of the allegation as contained in the First Information Report, no cognizable offence is made out.

Learned counsel for the petitioner has attempted to persuade that the dispute between the petitioner and Opposite party No.2 is purely civil in nature and remedy of the informant lies before the Civil Court of competent jurisdiction. According to him, the present criminal prosecution is abuse of the process of the Court to extract money from the petitioner.

Be that as it may, the fact remains that the allegations

contained in the First Information Report constitute cognizable offence. The bail granted to the petitioner in connection with Muffasil P.S. Case No. 230 of 2013 has admittedly been cancelled. The petitioner has thus, not honoured the condition of bail and is absconding from the course of justice. In such circumstance, I am not inclined to exercise inherent jurisdiction of this Court available under Section 482 of the Code of Criminal Procedure, 1973.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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