

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1660 of 2015

Arising Out of PS.Case No. -87 Year- 2012 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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Ambika Prasad Singh, Son of Late Bahadur Singh Resident of Dibra, P.S-
Phulwarisharif District - Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Siya Sharan Thakur Son of Amit Thakur Resident of Kebarbi, P.S-
Khudaganj, District - Nalanda.

.... Opposite Parties

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Appearance :

For the Petitioner	: Mr. Rajendra Kumar Sharma, Advocate. Mr. Gyan Ranjan, Advocate.
For the State	: Mr. B.Ram(App)
For the Opposite Party	: Mr. Anil Kr. Singh, Advocate. Mr. Satyendra Pd. Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-12-2016 Heard both sides.

The petitioner filed this petition for quashing the order dated 28.05.2013 passed by Learned Sub-Divisional Judicial Magistrate, Hilsa in Khudaganj P.S. Case No. 87 of 2012 by which the Sub-Divisional Judicial Magistrate, Hilsa took cognizance under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

The material facts are that Siya Sharan Thakur filed a complaint petition that on 25.05.1984 late Ram Deo Singh, father of Arun Singh sold a piece of land of Chak No. 1132, Area 1.94 decimal out of 76-1/2 decimal through a registered sale deed.



Maheshwar Pandit and Hira Pandit are the witnesses of the sale deed. Tileshwar Pandit also purchased 41 decimal of land of the same plot on 21.06.1982. Other persons also purchased lands from the same plot and all the purchasers were in possession of the land. In the month of June, 2012 while the complainant was irrigating his land Arun Singh, Vinay Singh and Gautam Singh having armed with sticks came on the land and asked the complainant not to plough the field. Arun Singh disclosed that he sold the land to Ambika Prasad Singh. The complainant returned from the land and enquired from the registry office. The complainant knew that Arun Singh conspired with each other and executed the sale deed in favour of Ambika Prasad Singh, the petitioner. The complaint was sent to Khudaganj police station for registration and investigation. The police after completion of the investigation submitted final form finding the case true under Sections 420, 467, 468 and 471 of the Indian Penal Code and the Learned Sub-Divisional Judicial Magistrate, Hilsa took cognizance.

Learned counsel for the petitioner submits that the petitioner is bona fide purchaser of the land from Arun Singh. The petitioner was not aware of the fact that father of Arun Singh sold the same piece of land in favour of the informant. The petitioner did not forged any documents nor fraudulently created any



valuable security and therefore the order taking cognizance against the petitioner is illegal and not sustainable in the eye of law.

It appears that the petitioner is purchaser of a piece of land from Arun Singh and the purchaser is required to enquire about the title of his vendor before execution of the sale deed. Admittedly, Ram Deo Singh, the father of Arun Singh sold the land in favour of different persons including the informant in the year 1984 or before 1984 but the petitioner neither enquired nor took any steps to know about the title of his vendor although the father of his vendor had sold the land and even thereafter the petitioner purchased a piece of land and created a valuable security by getting a sale deed executed in his favour, although vendor had no title over the land in order to cheat the informant.

Considering the facts aforesaid, I do not find any merit in this case. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J.)

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