

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46342 of 2014

Arising Out of PS.Case No. -115 Year- 2014 Thana -BANMANKHI District- PURNIA

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1. Nootan Devi @ Nootan Kumari W/o Sri Nand Kishore Jaiswal,
 2. Nand Kishore Jaiswal S/o Late Tulsi Bhagat, Both Village - Maldiha Gulab Nagar, P.S. - Barhara Kothi, District - Purnea, presently at Banmankhi Sonar Patti, Ward No. 9, P.S. - Banmankhi, District - Purnea.
 3. Vishwaballabh Kumar S/o Sri Ram Chandra Prasad Jaiswal, Village - Adarsh Nagar Fulkian, P.S. - Kahalgaon, District- Bhagalpur, presently at Gayari Mandir Road, Ambedkar Chowk, Katihar, P.S. AND District - Katihar.
 4. Ram Jatan Kumar S/o Sri Bindeshwari Yadav Resident of Banmankhi Bazar, P.S. - Banmankhi, District - Purnea.
 5. Prakash Sharma @ Chotu S/o Sri Ramkhelawan Sharma, Village - Bahjanpatti Tatma Toli, Janki Nagar, P.S. - Janki Nagar, District - Purnea.
 6. Sanjay Kumar S/o Devendra Rai Deed writer, License No. 31/01, at Dhamdaha registry Office, village - Banmankhi, P.S. - Banmankhi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Nagina Jayshwal.

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajindra Narain, Sr. Adv.
Mr. Kundan Kumar Singh, Adv

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 03-05-2016

Supplementary affidavit bringing on record the entire
sale deed be kept on record.

The petitioners seek quashing of the order of cognizance
dated 20.08.2014 passed by the Judicial Magistrate 1st Class, Purnia in
Banmankhi P.S. Case No. 115 of 2014.

The case of the informant is that Petitioner no. 1 who
happened to be the brother of his wife using his relationship with his
wife got executed a sale deed on 16.08.2013 in his favour while she
was ill and without information to him or his sons. Therefore, the
present first information report was instituted.

It has been submitted on behalf of the petitioners that fact of the matter is that the informant never looked after his wife nor did the children look their mother and the deceased/ wife of the informant had voluntarily executed the sale deed in favour of the Petitioner No. 1. The informant after her death instituted the present case even though he had all along full knowledge about the sale deed. Apprehending trouble from the informant earlier the Petitioner no. 1 had filed an informatory petition. Now merely on oral allegation that the sale deed falsely been executed, the present first information report has been instituted.

Notices had been issued to the Opposite Party no. 2 but he could not be traced out.

Considering facts of the case, the application is allowed and the order of cognizance dated 20.08.2014 passed by the Judicial Magistrate 1st Class, Purnia in Banmankhi P.S. Case No. 115 of 2014 is hereby set aside without prejudice to the rights of the parties.

(Anjana Prakash, J)

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