

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6396 of 2014

Arising Out of PS.Case No. -906 Year- 2006 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Satendra Kumar Adopted Son Of Sri Yamuna Singh and Son Of Sri Chandrama
Yadav Resident Of village -Pakadi, P.S.- Bihta, District- Patna

2. Chandrama Yadav son of Late Jhagru Yadav, resident of village- Pakadi, P.S.-
Bihta, District- Patna

.... Petitioners

Versus

1. The State Of Bihar

2. Sri Yamuna Singh S/O Late Jhagru Yadav Resident Of Village- Pakadi, P.S.-
Bihta, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Navjot Yesu, Advocate

For the State : Mr. B. N. Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 19-07-2017

The petitioners challenge this quashing petition filed under Section 482 of the Code of Criminal Procedure by order dated 30.8.2013 passed by Mr. Balram Singh, learned Additional Sessions Judge-II, Danapur in Cr. Revision No.819 of 2010 whereby he has set aside the order dated 17.8.2010 passed by Mr. Sanjeev Kumar, Judicial Magistrate, Ist Class, Danapur discharging the petitioners after enquiry from the Complaint Case No.906 (C) of 2006.

2. The case of the complainant in brief is that Chandrama Yadav opposite party no.2 and the complainant are full brothers, the ancestral property was partitioned after death of their father by allotment of half share to each co-sharer, thereafter, he sold



some land by way of registered sale deed to his only daughter. Earlier two sons were born to him but both died in the childhood only one daughter is alive. Now Satendra Kumar, son of his brother Chandrama Yadav made several forged documents showing the complainant as his father and on that basis he has filed Mutation Case No.152 of 2001-02 before Circle Officer for mutation of the land belonging to share of the complainant.

3. Learned counsel appearing on behalf of the petitioners submits that the complainant male issue died so in the year 1970 he adopted him orally since then he is adopted son of Yamuna Singh the complainant and his matriculation certificate and other documents his father's name is mentioned as Yamuna Singh. Moreover, after enquiry, the Magistrate finding no prima facie case being made out discharged accused persons.

4. Learned counsel appearing on behalf of the opposite party no.2 as well as Additional Public Prosecutor support the impugned order dated 30.8.2013 passed by the learned Additional Sessions Judge in Cr. Revision No.891 of 2010 and submit that in all earlier documents Satendra Kumar father's name is mentioned as Chandrama Yadav, later on they conspired and got the name of the complainant incorporated in documents like matriculation certificate, college living certificate so created forged document for claiming share of the complainant.

5. Having considered rival submissions of both sides



and on perusal of record, I find no error in the impugned order of the learned Additional Sessions Judge as he has rightly set aside the order dated 12.8.2010 passed by the Judicial Magistrate, Ist Class whereby he discharged the accused persons from this case. The complainant in reply to query at the time of examination on solemn affirmation has stated that he was a government employee and had nominated his wife and daughter as a nominee of General Provident fund and Group Life Insurance Scheme. Even in the old voter list, the father's name of Satendra Kumar is mentioned as Chandrama Yadav but later on created some document showing his father's name Yamuna Singh and now claiming landed property of his uncle. So therefore, there is no ground for interfering with the impugned order moreover there is sufficient ground for framing charge against the petitioners.

6. Accordingly, this petition stands dismissed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
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