

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1559 of 2014

Arising Out of PS.Case No. -219 Year- 2012 Thana -CHAPRA CITY District- SARAN

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1. Shambhu Nath Mishra Son Of Late Nagendra Nath Mishra R/O Village Birsa Bathuan, P.S.- Fulwaria, District- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar

2. Girindra Nath Mishra, S/o Late Kamla Kant Mishra, R/o Village- Birso Bathuan, P.S.- Phulwaria, District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Naresh Dikshit, Advocate Mr. Brij Bihari Tiwary, Advocate
For the EOU	:	Ms. V.N.P. Sinha, Sr. Advocate Ms. Soni Srivastava, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Panday, Advocate Mr. P.K. Panday (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT
Date: 29-06-2017

Heard both sides.

The petitioner filed this petition under Section 482 of the Code of Criminal Procedure for quashing the order dated 16.5.2013/ 17.5.2013 passed by the learned Judicial Magistrate, Chapra in Trial no. 4191 whereby and whereunder learned Judicial Magistrate took cognizance of the offence punishable under Sections 406, 420, 467, 468, 671 / 120(B) of the Indian Penal Code against the petitioner.

The facts in short relevant for disposal of this case are that the District Magistrate, Saran at Chapra sent a written application



to the Principal Secretary, Vigilance Department, Bihar, Patna for conducting investigation of the case with regard to the interpolation of records kept in the Registry Office but later on, Vigilance Department directed for lodging of the FIR and accordingly Chapra Town P.S. Case No. 219/2012 was lodged. It is alleged that one Girindra Nath Mishra has filed a petition that accused Shambhu Nath Mishra in collusion with some staff of Registry Office has manufactured a forged deed of gift in his name regarding seven Bighas of land of Girindra Nath Mishra. The said deed No. 1405 dated 24.3.1960 is affixed at Zild No. 20, page no. 470 and 471 of Registration office, Mirganj, District Gopalganj.

Learned counsel for the petitioner submits that the dispute is of Civil nature and the petitioner also lodged Fulwaria P.S. Case no. 36/10 and 74/2010 against Girindra Nath Mishra and both cases are with regard to the land dispute.

Learned counsel for the Opposite Party No. 2 submits that there was an enquiry from which it transpired that Shambhu Nath Mishra and his father-in-law Awadh Kishore Ojha, Anchal Karamchari in the Department of Land Revenue Anchal District, Saran made interpolation in the records and made forged documents. It appears that the Opposite Party No. 2 is not the informant and he simply made complaint about interpolation in the documents before



the Collector, Saran and the Collector, Saran after enquiry found the allegation made by the Opposite Party No. 2 to be true and thereafter the Collector, Saran lodged a case. It was found that the petitioner and his father-in-law made interpolation in the documents.

Considering the facts aforesaid, I do not find any illegality in the order taking cognizance against the petitioner. Accordingly, this quashing petition is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.07.2017
Transmission Date	13.07.2017

