

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30070 of 2014

Arising Out of PS.Case No. -221 Year- 2012 Thana -NAUGACHIA District- BHAGALPUR

- =====
1. Sanjit Kumar Vishkarma
 2. Vijay Kumar Vishwakarma Both s/o Late Nageshwar Vishkarma R/o village - Rajod Karyala Road, Nawghachia, P.S. Nawgachia, District - Bhagalpur.

.... Petitioners

Versus

1. The State of Bihar.
2. Rajkumari Jhunjhunwala w/o Late Shri Vimal Jhunjhunwala R/o village Rajad Karlaya Road, P.S. Nawgachia, District Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Akhileshwar Prasad Singh, Sr.Adv.
For the State : Mr. Humayu Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 05-07-2017 Heard.

2. The petitioners seek quashing of order dated 14.05.2014 passed by Sri R.Ranjan, Judicial Magistrate, Ist Class, Bhagalpur in Nawgachia P.S.Case No.221 of 2012 (G.R.No.1321 of 2012). The learned Magistrate as per impugned order refused to discharge the petitioners for the offences punishable under Sections 341, 323, 447, 385, 327 and 379 of the IPC.

3. On going through the Annexures enclosed with this application, I find that a police case vide Navgachia P.S.Case No.221 of 2012 was registered on the written report of Opposite Party No.2. She has alleged that she entered into an agreement



with the petitioners to sell her land for a consideration of Rs.18,50,000/-. The petitioner no.2 as per agreement gave Rs.50,000/- an earnest money to the complainant and agreed to pay the remaining money at the time of registration of sale deed latest by 30.05.2009. The petitioner no.2 made some manipulation in the agreement and lodged a case bearing Nawgachia P.S.Case No.102 of 2009 against the informant and his two sons which on investigation was found false. The petitioners in absence of the informant broken the lock and took forceful possession of the house of the informant. On the application of the informant, a case bearing Navgachia P.S.Case no.58 of 2010 was registered and after investigation police submitted chargesheet against five accused persons. The said case is pending in the lower court. The police in the present case found sufficient material against the petitioner and submitted chargesheet on the basis of which cognizance for the offence under Section 447, 323, 341, 385, 327 and 379 of the IPC was taken on 28.02.2013. The learned Magistrate has referred para-10, 25, 30, 31, 32, 33, 41, 50 and 51 of the case diary wherein he found sufficient materials against the petitioners for framing charges. The prayer for discharging the petitioners was rightly rejected by the court below.

4. In view of discussions made above, I find that this



petition for quashing the impugned order is devoid of merit and is,
accordingly, dismissed.

(Sanjay Kumar, J)

B.Kr./-

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