

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9225 of 2014

Arising Out of PS.Case No. -95 Year- 2012 Thana -BARGANIA District- SITAMARHI

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1. Baldeo Sah, Son of Punit Sah @ Mathura Sah

2. Manoj Kumar Gupta, Son of Baldeo Sah

Both resident of village - Pchaki Yadu, P.S.- Bairginia, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar.

2. Kanhaiya Kumar Jha, Son of Sri Nagendra Jha, resident of village - Goat
Dumarwana, P.S.- Bairginia, District - Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

For the O.P. No. 2 : Mr. Arbind Kumar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 18-12-2017

Heard learned counsel for the petitioners and learned
counsel for the State as well as learned counsel for the O.P. No. 2.

2. The petitioners seek quashing of the cognizance order
dated 02.07.2013 passed by the Chief Judicial Magistrate, Sitamarhi
in G.R. No. 2532 of 2013 arising out Bairginia P.S.Case No. 95 of
2012 thereby taking cognizance of offence under Sections 467, 468,
471, 420 of Indian Penal Code.

3. The facts giving rise to the case is that petitioner no. 1
executed a conditional sale deed in favour of the informant/O.P. No. 2
that on payment of total consideration money of Rs. 4,50,000/-, out of



which Rs. 4 lacs paid initially, and remaining amount of Rs. 50,000/- to be paid within a year thereafter sale deed was to be executed but it is alleged that this conditional sale deed came into existence on 28.05.2012 but in the next month on 30.06.2012 he executed sale deed with respect to the same land to another person Ram Ekbal Ram. It is also alleged that land belonging to Bhoodan Yagya Committee was also included in the conditional sale deed.

4. Learned counsel for the petitioner submits that the petitioner no. 1 executed sale deed to Ram Ekbal Rai, and another piece of land was not the subject matter of the conditional sale deed; moreover the informant had filed a Money Suit No. 225 of 2013 relating to same dispute.

5. Contrary to this, learned counsel appearing on behalf of the opposite parties submits that the land for which conditional sale deed was executed sold by the petitioners to Ram Ekbal Ram another person just after one month of the conditional sale deed executed in his favour wherein some included plots of Bhoodan Yagya Committee, falsely claiming the title of the land and petitioner has taken Rs. 4 lacs in advance and the police has also submitted charge sheet in the matter after finding the allegation true.

6. Having considered the rival submissions and on perusal of material on record, allegation itself discloses *prima facie*



offence, so there is no ground for interfering with the cognizance order. The application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFr
CAV DATE	NA
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