

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 21928 of 2014

Arising Out of PS.Case No. -1 Year- 2013 Thana -KOILWAR District- BHOJPUR

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1. Md Jeyaur Rahman
2. Md Mojibur Rahman Both Sons of Khaliur Rahman Resident of Village -
Lalbagh, Police Station - Pirbahore, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Maya Devi Wife of Ram Janam Sah Resident of Village - Rajapur (Pachrukhiya),
Post-Rajapur (English), Police Station - Koilwar, District - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Makardhwaj Upadhyay, Advocate
For the S t a t e : Ms Sangeeta Sharma, APP
For Opposite Party No 2 : Mr Harshvardhan Shivsundaram, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 04-10-2017

Heard counsel for the parties.

2 Counsel for the petitioners has submitted that from perusal of Xerox copy of the agreement dated 22.09.1986, it would be apparent that the stamp paper, on which the agreement purporting to be of 22.09.1986 has been executed, is of 16.02.1994. He submits that from perusal of the stamp paper, it would be apparent that a false and fabricated case has been filed. He further submits that the case is predominantly civil in nature since it relates to non-execution of sale deed in respect of certain lands for which the informant has allegedly paid the consideration money and is in possession.



3 Notices were earlier issued to Opposite Party No 2. She has appeared and filed a counter affidavit in this case. She has disputed the submission made by the counsel for the petitioners by saying that the stamp paper on which the agreement was executed was purchased by the accused persons and so it is for them to answer as to how the same is a post dated stamp paper.

4 These issues cannot be looked into by this Court exercising jurisdiction under Section 482 of Criminal Procedure as the appropriate forum for examining these issues is the Court below in the trial.

5 In view of the aforesaid submission and having considered the position, as aforesaid, this application is dismissed.

6 However, it would be open to the petitioners to raise all the issues at the appropriate stage before the trial Court who will consider the same and pass necessary orders in accordance with law without being prejudiced by the dismissal of this case by this Court.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2017
Transmission Date	07.10.2017

