

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47007 of 2014

Arising Out of PS.Case No. -211 Year- 2013 Thana -PATNA COMPLAINT CASE
District- PATNA

=====

1. Satish Kumar S/o Baikunth Singh, Resident of Village Jamalpur, P.S. Athmalgola, District Patna.
2. Devenand Choudhary S/o Madhu Choudhary, Resident of Mohalla Khemnichak, P.S. Ram Krishna Nagar, Deed Writer, Licence No. 159/2002, Registry Office, Patna Sadar, P.S. Gandhi Maidan, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Poonam Devi W/o Sri Bhusan Prasad, Resident of Mohalla Bishnupuri, Chitkohra, P.S. Gardanibagh, District Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Adv.

For the Opposite Party/s : Mr. Md.Nazir Ansari, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 26-03-2018 The petitioners have challenged the order dated 12.07.2013, passed by the learned Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 211(C) of 2013, whereby cognizance has been taken under Sections 420, 465, 467, 468, 469, 471, 504 and 120(B) of the Indian



Penal Code.

The complainant/opposite party No. 2 has alleged that she had purchased a plot of land from Sita Saran and Arjun, who had got the aforesaid land in a partition suit through the Court. From the bigger plot of land, many persons had purchased different plots of land. One such plot was purchased by one of the co-accused persons, viz. Jitendra, who kept on selling his portion of the vended property to others, the sole purpose being to anyhow grab the land of the complainant/opposite party No. 2.

In the aforesaid complaint petition, the opposite party No. 2 has arraigned ten accused persons including the petitioners. The name of petitioner No. 1 figures at serial No. 5 in the complaint, whereas the name of petitioner No. 2 figures at serial No. 7.

From the perusal of the complaint petition itself, it appears that but for the petitioner No. 1 having been named in the column of the accused persons, there is no allegation against him, whatsoever. His name also does not find mention in the body of the complaint petition. He appears to be a complete outsider so far as transaction of land between the parties are concerned. Petitioner No. 2 is a professional deed writer and the only allegation against him in paragraph 12 of the complaint petition is that he had



written the power of attorney and the sale-deed in favour of one Urmilla. Neither from the complaint petition nor from the deposition of the witnesses offered on behalf of the complainant/opposite party No. 2 can any allegation be gleaned as against the petitioners. Merely because the complainant/opposite party No. 2 has stated that all the accused persons, in a conspiracy to deprive her of her lawfully purchased land, have made attempts at divesting her of her property, the petitioners aforementioned cannot be proceeded against.

Finding no material against the petitioners in the aforesaid complaint petition, this Court is inclined to set-aside the order of cognizance, so far as it relates to the petitioners.

None of the offences alleged in the complaint petition can at all be said to have been made out against the petitioners. There is nothing specific against petitioner No. 2 as well.

For the aforesaid reasons, the order of cognizance, so far as it relates to the petitioners, is set-aside.

The petition stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

