

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52119 of 2014

Arising Out of PS. Case No.-2340 Year-2010 Thana- GAYA COMPLAINT CASE District-
Gaya

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Ram Chandra Singh, Son of Bachoo Singh, Resident of Village - Manjhama,
P.S. Koch, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ram Charitar Singh Son of Bachoo Singh Resident of Village - Manjhama,
P.S. Koch, District - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Arun Kumar, Advocate.
For the Opposite Party/s :	Mr. Ram Anurag Singh (App)
	Mr. Sanjay Kumar, Advocate.
	Mr. Binod Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT

Date : 12-07-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks to quash the impugned order dated
04.05.2013 passed by the Judicial Magistrate, 1st Class, Gaya in
Complaint Case No. 2340 of 2010 whereby taking cognizance in
the matter under Sections 417 and 465/34 of I.P.C.

Learned counsel for the petitioner submits that entire
allegation, if taken into entirety, does not disclose any accusation
so no *prima facie* case is made out; moreover, already a title suit is
pending and the suit land is in possession of the petitioner which
was given him in the share. On inquiry, it is disclosed that total



land of the family including three brothers, complainant and two accused, is 9.84 acres.

Whereas learned counsel for the O.P. No. 2 and the State oppose the prayer.

Allegation is that entire 9.84 acres ancestral land belong to all three coparceners and with regard to those land, petitioner, in conspiracy with local Karamchari, Madan Prasad, obtained a land possession certificate of entire land in his exclusive name and on that basis also obtained a bank loan from the Bank of Baroda, Guraru Branch under the scheme of Kisan Credit Card showing in exclusive possession of total land of 9.84 acres belonging to entire family. As per accusation, the land certificate is exclusively obtained in the name of petitioner, which does not mean that offence is not disclosed in the complaint. So there is no ground for interfering with the cognizance order. Hence, application stands dismissed.

(Arun Kumar, J)

sujit/-

AFR/NAFR	NAFR
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