

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44473 of 2014

Arising Out of PS. Case No.-158 Year-2010 Thana- KANKARBAGH District- Patna

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1. Satya Narain Singh @ Sanjay Singh @ Sanjay @ Satynarain
 2. Santosh Kumar Both sons of Sri Ramanand Singh @ Ramanand Rao
 3. Ramanand Singh @ Ramanand Rao Son of Late Fakira Rao All residents of mohalla - Ashok Nagar, Road No. 1, P.S. - Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Son of Jagdish Prasad Resident of Mohalla - Bhikhna Pahari, Saidpur Kachri Gali, Patna - 4, P.S. - Kadamkuan, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Sharma
For the Opposite Party/s : Mr. U.L.Verma (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 18-06-2018

This quashing petition has been filed under Section 482 Cr. P.C. for quashing the order dated 7.8.2014 passed by the learned Judicial Magistrate 1st Class Patna in Kankarbagh P.S. case no. 158 of 2010, G.R. No. 2261 of 2010 whereby he has rejected the petition filed by the petitioners under Section 239 Cr. P.C.

It is alleged in the written report that petitioner no.3 entered into an agreement for sale with the wife of informant on 22.1.2009 with respect to land as mentioned in the written report after taking an amount of Rs. four lacs from the informant but did not execute the sale deed. The informant



found that on the aforesaid land illegal construction was being made by one Gudia Devi. The informant approached petitioner no.3 to execute the sale deed then two sons of petitioner no.3, namely, Satyanarain Singh @ Sanjay Singh (petitioner no.1) and Santosh Kumar (petitioner no.2) gave threat to the informant to kill. The agreement to sale has been annexed with the written report. The police after investigation submitted final form in this case against petitioner nos. 1 and 2 showing them as innocent and submitted charge sheet against petitioner no.3 for the offence under Sections 406 and 420 of the I.P.C. The agreement for sale which is part of the F.I.R. clearly show that petitioner no.3 has entered into an agreement for sale of land as mentioned in the aforesaid agreement with the wife of informant after taking an amount of Rs. four lacs but the sale deed was not executed by petitioner no.3. The informant has alleged that the aforesaid land was found to be disputed land and construction was being made by one Gudiya Devi. The informant made complain with petitioner no.3 then he abused the informant and also refused to return the money.

The learned Court below has after differing with the final form submitted by the police took cognizance against all the petitioners for the offence under Sections 406,420,504 and



506/34 of the I.P.C. although the police has not found sufficient material to submit charge sheet against petitioner nos. 1 and 2 during investigation.

This Court, after perusing the allegation in the written report and material available in the case diary as well as the impugned order, finds that there is specific allegation of overt act against petitioner no.3 of not executing the sale deed with respect to the land after entering into an agreement with the wife of the informant in the year 2009. The informant approached petitioner no.3 for executing the sale deed then petitioner no.3 gave threat to kill.

Therefore, this Court does not find any illegality in the impugned order dated 7.8.2014 with regard to petitioner no.3.

So far the case of petitioner nos. 1 and 2 is concerned, there is no allegation of any specific overt act against them. The police after investigation found no material against them and submitted final form showing them innocent. The Court below has after differing with the final form taken cognizance against the petitioner nos. 1 and 2 along with other accused persons. There is no allegation against petitioner nos. 1 and 2 of taking money from informant and entering into agreement for sale with informant.



Therefore, the impugned order dated 7.8.2014 passed by the learned Judicial Magistrate 1st Class Patna in Kankarbagh P. S. case no. 158 of 2010, G.R. No. 2261 of 2010 with regard to petitioner nos. 1 and 2 along with the entire criminal proceedings is hereby quashed.

The Court below will proceed with the case in accordance with law, with respect to petitioner no.3.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.07.2018
Transmission Date	02.07.2018

