

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10270 of 2015

Arising out of Complaint Case No.-1437 Year-2012 Thana- NALANDA COMPLAINT
CASE District- Nalanda

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1. Binod Kumar @ Binod Kumar Singh S/o Late Chandrika Singh Resident of Village Bindidih, P.S. Silao, District Nalanda.
 2. Gajendra Kumar, S/o Late Surendra Prasad, Resident of Village Haveli, P.S. Bihar, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sachit Singh, S/o Late Bajrangi Singh, R/o Village- Mahadeopur, P.S. Rajgir, District Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 18-07-2018

From a bare reading of the complaint, it is clear that the only allegations against the present petitioners are that they purchased the property from the Power of Attorney holder of the main complainant, namely, one Sri Gautam who sold the property to Raj Kumar Prasad and from Raj Kumar Prasad the property was purchased by the petitioners.

If at all any offence is committed in the matter vis-a-vis the complainant, it is Gautam Kumar who managed to get the Power of Attorney executed in his favour from the complainant and thereafter Raj Kumar Prasad who was the first purchaser of the property. The present petitioners are only bona



fide purchasers from Raj Kumar Prasad based on the original sale-deed executed by Gautam Kumar with Raj Kumar Prasad. That apart with regard to the transfer made in favour of the present petitioners, matter is already pending under the Bihar Land Dispute Redressal Act before the D.C.L.R. in Case No. 63/2012. A complete reading of the complaint would show that no ingredients necessary for constituting an offence under Section 420 I.P.C. vis-a-vis the complainant and the present petitioners are made out. The present petitioners never dealt with the complainant in the manner whatsoever. They only purchased the property from Raj Kumar Prasad based on the sale-deed executed by Gautam Kumar with Raj Kumar Prasad. There is no iota of evidence or pleadings to show that the petitioners in any manner were responsible for execution of the sale-deed vis-a-vis between Gautam Kumar and Raj Kumar Prasad.

That being so, the complaint against the petitioners is not made out on a bare reading of the avements made in the complaint and it is a fit case where the application as far as the present applicants who are bona fide purchasers of the property should be allowed.

Accordingly, the application is allowed and the



entire proceedings of Complaint Case No. 1437C/2012, pending
in the court of Sri Bipin Kumar, Judicial Magistrate, 1st Class,
Biharsharif, Nalanda stands quashed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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