

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.526 of 2016

Arising Out of PS.Case No. -114 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Sk. Anwarul Hasan, Son of Late Sk. Goswar
2. Sk. Gulab Noor @ Sk. Gulamnoor, S/o Sk. Anwarul Both are resident of
Village- Bastha, P.S. Mainatand, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Emamul Sk @ Emamul Hasan Son of Late Rashid Resident of Village +
P.O. Bastha, P.S. Mainatard, District West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-09-2018 Heard the learned counsel for the petitioners and the

State.

The present petition has been filed for quashing of
order dated 28.09.2015 passed by learned Judicial Magistrate 1st
Class, Bettiah, West Champaran in Complaint Case No. 144-
C/2015, whereby the court below has found prima facie case
under Sections 323 and 465 of the Indian Penal Code against
petitioners.

Complainant/O.P. No. 2 has filed the instant case
levelling allegation against petitioners that they in conspiracy with
each other executed a sale deed on 12.05.2003 by showing that



O.P. No. 2 died issueless whereas he is alive with his son, who is witness in the instant case. O.P. No. 2 has alleged in the complaint petition that only with a view to grab his share, accused persons have committed such forgery in the said deed. It is also alleged that in the said deed, death of Sk. Goswar has been shown after the death of Sk. Adalat whereas Sk. Goswar had died before the death of Sk. Adalat.

The court below has mentioned in the impugned order that three witnesses have been examined on behalf of complainant during enquiry. The court below has found prima facie case on the basis S.A. of complainant and statement of witnesses.

In view of such, this court does not find any illegality in the impugned order.

This quashing petition is therefore dismissed.

The petitioners are given liberty to raise all the points as raised in this petition at appropriate stage of trial including at the time of framing of charge, which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J.)

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