

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40316 of 2019

Arising Out of Complaint Case No.-313 Year-2018 District- Nalanda

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Satish Chandra Prasad Son of Late Matukdhari Lal Resident of Village - Maharajganj, P.S.- Ekangarsarai, Dist.- Nalanda., At present Shanta Bhawan J.M. Path, Nageshwar Colony, P.s.- Buddha Colony, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Devi W/o Jagat Kumar Resident of Village - Ekangarsarai, P.S.- Ekangarsarai, Dist.- Nalanda.
3. Sangeeta Kumari W/o Suraj Kumar Sonu Resident of Village - Ekangarsarai, P.S.- Ekangarsarai, Dist.- Nalanda.
4. Srijana Sah W/o Vikaram Kumar Soni Resident of Village - Ekangarsarai, P.S.- Ekangarsarai, Dist.- Nalanda.
5. Pawan Kumar Son of Braj Bhushan Kumar Verma Resident of Village - Ekangarsarai, P.S.- Ekangarsarai, Dist.- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2019 Heard the learned counsel for the parties.

The petitioner, who is the complainant of Complaint Case No. 313 (C) of 2018, is aggrieved by the order dated 27.02.2019 passed by the learned S.D.J.M., Hilsa, whereby cognizance has only been taken against one of the accused persons, namely, Harish Chandra Prasad under Sections 504 and 506 of the Indian Penal Code, whereas the other accused persons have not been proceeded



against.

It is submitted on behalf of the petitioner / complainant that the other accused persons are also in cahoots with Harish Chandra Prasad against whom cognizance has been taken under Sections 504 and 506 of the Indian Penal Code and, therefore, the order cannot be sustained as it does not take note of the aforesaid fact of conspiracy.

The sum and substance of the complaint lodged by the petitioner is that Harish Chandra Prasad, who is the full brother of the complainant, has sold a land to the proposed accused persons, which actually belonged to the petitioner / complainant, after the partition in the family members.

During the course of enquiry under Section 202 Cr.P.C., it was found that the accused Harish Chandra Prasad claimed the land sold by him to be his and further that if at all it was found that he has sold the land belonging to his brother / complainant, he shall recompense the complainant.

In fact, the facts of the complaint do not make out



a case even against Harish Chandra Prasad; nonetheless this Court has only been called upon to see whether the court below has committed a mistake in not proceeding against and taking cognizance against the other accused persons also.

The complaint as well as the deposition of witnesses are clear that the proposed accused persons are the purchasers and no evidence has been brought forth to even *prima facie* suggest that they had conspired to have the land of the petitioner purchased.

No fault is found in the order impugned so far as the opposite parties are concerned.

The petition lacks merits and is dismissed.

(Ashutosh Kumar, J)

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