

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31668 of 2011

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1. Ram Shekhar Singh S/O Late Rameshwar Singh R/O Vill. - Samartha, P.S. -
Bibhutipur, District - Samastipur.
 2. Ram Kumar Singh S/O Late Rameshwar Singh R/O Vill. - Samartha, P.S. -
Bibhutipur, District - Samastipur.
 3. Ram Prit Singh S/O Late Bachhan Singh R/O Vill. - Samartha, P.S. -
Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Amresh Kumar Singh S/O Late Ram Karan Singh R/O Vill. - Samartha, P.S. -
Bibhutipur, District - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the State : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 31-01-2019

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Despite Opposite Party No. 2 having entered
appearance and name of learned counsel also appearing in the
cause list, nobody was present when the matter was taken up and
heard.



3. On 18.01.2019, on prayer made by learned counsel for the petitioners, for filing supplementary affidavit bringing on record the sale deed in favour of petitioners no. 1 and 2 and the complainant, the matter was adjourned for today. No such affidavit has been filed today on behalf of the petitioners.

4. The matter being admitted for hearing and despite time being given, that too, on prayer made on behalf of the petitioners for filing supplementary affidavit, the same not having been done, the Court can only comment that the petitioners are taking the proceeding very casually.

5. At this stage, the Court would indicate that the sale deeds are relevant for the reason that in the complaint it is specifically alleged that the Opposite Party No. 2 had purchased the lands in question in the year 1978 in his name, being a major, and thus, the transfer of such land which belongs exclusively to Opposite Party No. 2 by his father in the year 1981 in favour of petitioners no. 1 and 2, was fraudulent. Even in the present application, no statement has been made denying the allegation as noted above.

6. Accordingly, the Court can only draw adverse inference that what has been alleged in the complaint is true and



this being the position, clearly besides civil action, criminal complaint would also be maintainable.

7. For reasons aforesaid, the application stands dismissed.

8. Let the Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J)

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