

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.493 of 2017

Arising Out of PS. Case No.-23 Year-2006 Thana- C.B.I CASE District- Muzaffarpur

1. Seeta Fatma @ Fatima Mansoori and Ors wife of Mahrum Md. Qurban Mansoori @ Hari Md. Quarban, resident of village and p.o. - Bhagwanpur Chowk, P.S. - Sadar, District - Muzaffarpur, Permanent Address - Sarsauti, P.S. - Aurai, District - Muzaffarpur.
2. Md. Mustak, son of Md. Anwar, R/o Village - Bastwara, P.S. - Simari, District - Darbhanga.
3. Md. Anwar, son of Md. Ibrahim Mansoori, resident of Village - Bastwara, P.S. - Simari, District - Darbhanga.
4. Md. Abbas, son of Md. Suleman Mansoori, resident of Village - Sisauli, P.S. - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through The D. G. P. vigilance Govt. Of Bihar, Patna and Ors
2. Jarina Khatoon, daughter of Late Hazi Md. Quarban, resident of Mohalla - Bhagwanpur Rewa Road, P.S. - Sadar, District - Muzaffarpur.
3. Zulekha Khatoon, wife of Late Md. Quarban Mansoori, resident of Village - Sisauli, P.S. - Aurai, District - Muzaffarpur, At present residing at 'Shabnam' , Flat No. 401, 4th floor, Plot No. 10 Maratha Mandir Marg, Bombay, PIN code 400008.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1
For the Opposite Party/s : Mr. Ramakant Sharma L.O., Inc., Vigilance

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 02-07-2019 Heard the learned counsel for the parties.

The present petition has been filed against the order of cognizance dated 19.08.2016 passed by the learned Special Judge Vigilance, North Bihar, Muzaffarpur in connection with Vigilance Case No. 23 of 2006, whereby



cognizance has been taken under Sections 467, 468, 571, 420, 120 and 120(B) of the Indian Penal Code and Section 13(2) read with Section 13(i)(d) of the Prevention of Corruption Act, 1988.

It appears that the informant/Zarina Khatoon initially filed a complaint before the Special Judge, Vigilance, Muzaffarpur vide Complaint Case No. 25 of 2005 which was sent under Section 156(iii) Cr.P.C. for institution of a regular case.

It has been alleged against the petitioners that the land belonging to her father have been unauthorizedly transferred to the petitioners/accused persons.

It has also been alleged that petitioner no. 1 was set up by the other accused persons before the Sub-divisional Magistrate for the purposes of registration of the sale-deed and mutation of the land. Later, 144 proceeding also was initiated, restraining the informant from going on the said land.

It has been submitted on behalf of the petitioners that though the informant claims to be the daughter of Md.



Qurban and Zulekha but petitioner no. 1 has claimed to be the second wife of Md. Qurban.

It has further been submitted that a Title Suit is pending over the property in question. However, from the records, it appears that petitioner no. 1 was found to be a fictitious person and the very fact that the land was transferred in her name also indicates about the complicity of the other petitioners in the offence.

This Court, therefore, is not inclined to interfere with the order of cognizance. The prayer made in the petition is rejected, accordingly.

If so advised, the petitioners may approach the court below and prefer a petition of discharge, which, if filed, shall be decided in accordance with law, without being prejudiced with the fact that the present petition has not been entertained by this Court.

(Ashutosh Kumar, J)

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