

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17590 of 2021

Arising Out of PS. Case No.-733 Year-2019 Thana- BIHAR District- Nalanda

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KAMESHWAR PRASAD SON OF LATE RAMJI MAHTO Resident of
Village - Kamal Bigha, P.s.- Katrisarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Raghunandan Bind Son of Late Paga Bind Resident of Village - Govindpur,
P.S.- Bind Distt.- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-04-2022 Heard learned counsel for the parties.

The petitioner has challenged the order dated 05.06.2020 passed by the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in Bihar P.S. Case No. 733 of 2019 in which cognizance has been taken under Section 406, 420/34 of the Indian Penal Code and the matter is presently pending before the Court of learned A.C.J.M. 1st Bihar Sharif, Nalanda.

From the contents of this petition in paragraph no. 10, it reflects that while filing anticipatory Bail Petition No. 2918/2019, the petitioners had given an undertaking that they will return the amount which however they failed to do.

The allegation against the petitioner amongst others is



of duping the informant huge amount by promising of getting a land sold in his name and in the process was able to extract a sum of Rs. 42 Lakhs.

However, despite repeated request by the informant to get the sale deed of the land executed in his favour in view of the huge amount he has paid the petitioner chose not to do so and having left with no remedy, the informant lodged this F.I.R. in which having been satisfied the learned Court below took cognizance on 05.06.2020.

This Court see no infirmity in the cognizance order dated 05.06.2020. The learned Court below has rightly taken cognizance against the accused persons under Sections 406, 420/34 of the Indian Penal Code.

This petition is accordingly, dismissed.

(Rajiv Roy, J)

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