

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11182 of 2021**

Arising Out of PS. Case No.-58 Year-2017 Thana- IMAMGANJ District- Gaya

RAM PRAVESH SHARMA S/O LALJI SINGH RESIDENT OF
MOHALLA-CHOTKI DELHA, SHIV NAGAR COLONY, BELHA, P.S-
DELHA, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritika Rani

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 01-12-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

The present application is preferred for quashing the order
dated 06.03.2020 passed by the learned Judicial Magistrate 1st
Class, Serghati Gaya by which the learned Judicial Magistrate
has taken cognizance against the petitioner for the offences
punishable under section 464, 467, 468, 474, 120B of IPC in
connection with Imamganj P.S. Case No.58 of 2017.

Allegedly, the petitioner in capacity of Halka Karamchari,
Imamganj issued rent receipt in favour of Upendra Prasad,
ignoring the fact that rent receipt was issued pursuant to Parwna
no.403 in 1984 which was issued in the name of Upendra Prasad



with respect to khata no.76 area 50 decimal under Bihar Hadbandi Surplus settlement proceeding by LRDC Serghati and SDO, Serghati.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He is not named in the FIR and has been falsely implicated in this case. There is no evidence against the petitioner in the present case. He submits that the Aanchal Adhikari was aware that the Parwana was issued by the Sub-Divisional Officer Sadar, Serghati and LRDC Serghati, Gaya who were competent authority and as such the petitioner has acted as per the Parwana issued by the SDO Serghati and LRDC in the name of Upendra Prasad and as such the petitioner has committed no fraud and exceeded his duty in capacity of Halka Karamchari, Imamganj in issuing rent receipt in favor of Upendra Prasad. The petitioner has fixed the rent in the year 2008-2009 as per Parwana issued in the year 1984 by the SDO and LRDC Serghati, result of which government revenue has increased and as such offences level against the petitioner is not made out against the petitioner. He further submits that it is evident from the FIR that there is no allegations against the petitioner by the informant for extortion of money. During the course of investigation, no material has



come to satisfy the ingredients for offences under section 464, 467, 468, 474 and 120 (B) of IPC against the petitioner.

Having regard to the facts and circumstances of the case and the materials available on record, I am not inclined to interfere with the order dated 06.03.2020.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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