

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47 of 2020

Arising Out of PS. Case No.-423 Year-2015 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Rajendra Pandit Son Of Late Laxman Pandit Resident Of Village - Gaddopur,
Ward No. 8, Near Sadhu Baba Chowk, P.S.- N.H. Bangara, District-
Samastipur ... Petitioner

Versus

1. The State of Bihar
2. Sanjeev Kumar Sinha Son of Late Birendra Kumar Sinha @ Birendra Prasad Sinha Resident of Village - Gaddopur, P.S.- N.H. Bangara, District- Samastipur
3. Ajay Kumar @ Ajay Kumar Sinha Son of Late Birendra Kumar Sinha @ Birendra Prasad Sinha Resident of Village - Gaddopur, P.S.- N.H. Bangara, District- Samastipur

... .. Opposite Party

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-06-2022 Heard learned counsel for the petitioner and the other side.

This application has been filed for quashing the order dated 29.7.2019, passed by the Additional Sessions Judge II, Samastipur in Cr.Revision No.500 of 2016 by which he has upheld order dated 13.5.2016, passed by Judicial Magistrate 1st class, Samastipur in CR No.423 of 2015 (Complaint case no. 423 of 2015) whereby and whereunder complaint of the petitioner has been dismissed under section 203 of the Cr.PC.

As per the prosecution case, the petitioner, who runs a medicine shop as well as a nursing home, on 17.3.2015 filed a



Complaint Case No. 423 of 2015. It is stated in the complaint that first opposite party no.1 developed intimacy with the petitioner and taking advantage of the same, accused persons took loan of Rs.12 lacs from him on the pretext of executing a sale deed in respect of a piece of land in the name of the petitioner/complainant. For facilitating the proposed sale, petitioner also purchased Non Judicial Stamp of Rs.1.20 lacs and accused persons also put their signature over the same. On 8.3.2015, a panchayati was held between the parties and other side agreed to execute the sale deed in respect of their share of land in favour of the complainant in lieu of money taken by them. However, on 12.3.2015 at 7 pm while the petitioner was at his shop, accused no.1 came there in drunken condition, abused him and forcibly took Rs.28,000/- from the cash counter of the shop leading to lodging of the instant complaint case.

Learned counsel for the petitioner submits that during enquiry, four witnesses were examined by the Court and all of them supported the case. Depositions of the witnesses are contained in Annexure 2 series. However, the learned Judicial Magistrate 1st class,, Samastipur vide order dated 13.5.2016, passed in CR No. 423 of 2015 dismissed the complaint. Cr.Revision No. 599 of 2016 filed before learned Additional



Sessions Judge II, Samastipur was also dismissed vide order dated 29.7.2019. Learned counsel further submits that at the stage of enquiry, the Court below has only to see that whether any prima facie case is made out or not. He submits that both the courts have not applied judicial mind while passing the aforesaid orders.

Learned counsel for the State opposes the prayer for bail. It is pointed out by the State counsel that from perusal of the allegations made out in the complaint, it appears that the allegations gives rise to civil dispute and no criminal offence is made out against the accused persons. He submits that there is no illegality or irregularity in the orders impugned, as such, the same require no interference.

Considering the facts and circumstances of the case and on going through the materials available on the record, I do not find any illegality or irregularity in the impugned orders.

Instant petition is accordingly dismissed.

(Prabhat Kumar Singh, J)

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