

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36024 of 2015**

Arising Out of PS. Case No.-215 Year-2015 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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1. Bhuneshwar Sah @ Bhuvneshwar Prasad
  2. Mantu Sah @ Sanket Kumar @ Muntu Sah
  3. Suresh Kumar @ Aaniket Kumar All Sons of Late Bishundeo Sah
  4. Sita Devi W/o Late Bishundeo Sah All are R/o village - Kajipur @ Goriyara, P.S. Kanti District - Muzaffarpur at Present residing in Mohalla - Brahampura Toley Jhitkahiya Mai Asthan , P.S. Brahmpur, District - Muzaffarpur

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ram Kumar Sah S/o Durga Sah R/o Mohalla - Sikandarpur, P.S. Town, District - Muzaffarpur

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shiva Shankar Sharma, Adv.  
For the Opposite Party/s : Mr.Anil Kr. Singh No.1, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      23-02-2023                      Heard the parties.

This is an application for quashing of the order dated 4.6.2015 passed in Complaint Case No. 215 of 2015 by the learned Judicial Magistrate, 1<sup>st</sup> Class, Muzaffarpur whereby cognizance was taken under Section 420 of the Indian Penal Code.

As per the prosecution story, the petitioners approached the Opposite Party No. 2 for sale of land and it is alleged that Rs. 1,10,00,000/- was paid and rest Rs. 84 lakh was



to be paid. However, the petitioners defaulted and left with no option, the present case.

Learned counsel for the petitioners submit that at that particular time when the agreement was made, there was no dishonest intention and subsequently due to new development if execution could not take place, the petitioners cannot be blamed.

Per contra, learned APP submits that a bare perusal of the complaint shows prima facie case against the petitioners inasmuch as after taking Rs. 1,10,00,000/- , with criminal intent, they cheated the Opposite Party No. 2 by not executing the deed after getting such a huge amount.

Certainly, the order dated 4.6.2015 by which cognizance has been taken, need no interference.

Accordingly, the petition stands dismissed.

**(Rajiv Roy, J)**

Ajay Singh/-

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