

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5073 of 2015

Arising Out of PS. Case No.-88 Year-2008 Thana- KARAHGAR District- Rohtas

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Chandradeep Choubey son of Late Deo Sharan Choubey resident of village Nado, Police Station Kargahar, District Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Pandey APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 08-05-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing the order dated 10.03.2014 passed by the learned Judicial Magistrate, 1st Class, Sasaram in G.R. No. 894 of 2008 / Tr. No. 538 of 20114 arising out of Karahgar P.S. case No. 88 of 2008.

It has been submitted by the learned counsel for the petitioner that the deceased father of the informant namely, Musafir Pandey had no male issue with the petitioner and he had only one daughter i.e. the informant who after her marriage, was residing in her matrimonial house and the deceased was being looked after by the family members of his brother late Musafir Pandey.



Learned counsel for the petitioner further submits that the father of informant being satisfied from the service of his cousin grandson namely, Bijendra Kumar Pandey, executed a deed of will in his favour and later on in the year, 2008 i.e. on 11.01.2008, the deceased executed a registered deed of gift in favour of his cousin grand-son Bijendra Kumar Pandey and the learned Registrar, after due verification of the documents, allowed the registration of the said deed of gift on 12.01.2008.

It has further been submitted by the learned counsel for the petitioner that the petitioner is one of the witness of the deed and he is not the beneficiary of gift deed.

It has further been submitted by the learned counsel for the petitioner that the petitioner had also filed a civil suit which is pending.

Nobody appears for the O.P. No. 02 as the O.P. No. 02 has died.

Learned APP for the State has supported the FIR.

In my opinion, no offence is made out against the petitioner who is just witness to the gift deed.

In view of the above, this application is allowed.

Accordingly, the order dated 10.03.2014 passed by the learned Judicial Magistrate, 1st Class, Sasaram in G.R. No. 894



of 2008 / Tr. No. 538 of 20114 is hereby quashed, with regard to
the petitioner only.

(Sandeep Kumar, J)

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