

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35689 of 2015

Arising Out of PS. Case No.-1977 Year-2010 Thana- PATNA COMPLAINT CASE District-
Patna

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Sanjay Kumar Rai son of Rajendra Prasad Rai, resident of village- Mohanpur
Punaichak, P.S.-Shastri Nagar in the district of Patna

... .. Petitioner/s

Versus

1. State Of Bihar
2. Dr. Rambilash, son of Late Anand Prasad, resident of Mohalla- Sheikhpura,
Mazar Gali, P.S.- Shastri Nagar in the district of Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37157 of 2015

Arising Out of PS. Case No.-1977 Year-2010 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Ashok Kumar Thakur Son of Late Chandan Thakur, Resident of Village-
Balua Bazar, P.S.- Chhatapur/Balua Bazar, District- Supaul.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Dr. Ram Bilash Son of Late Anand Prasad Resident of Mohalla- Sheikhpura,
Mazar Gali, P.S.- Shastrinagar, District- Patna.
3. Ramjee Singh, Chauhan, Secretary, Aparna Sahkari Grih Nirman Samiti,
Dakbungla Road, Patna, P.S.-Kotwali, District- Patna.
4. Kundan Singh, S/o not known to the petitioner, Aparna Banka Colony, Road
No-16, P.S.- Rupaspur, District- Patna.
5. S.K. Sinha, S/o not known to the petitioner, Aparna Banka Colony, Road
No-16, P.S.- Rupaspur, District- Patna.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35689 of 2015)

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Ram Chandra Singh App

(In CRIMINAL MISCELLANEOUS No. 37157 of 2015)

For the Petitioner/s : Mr.Pradeep Kumar Sinha

For the Opposite Party/s : Mr.H.A.Khanapp

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER



7 16-05-2023

Heard learned counsel for the parties.

That this application has been filed for quashing the order dated 28.05.2015 by which learned Munsif-II-cum-Judicial Magistrate, 1st Class, Patna has rejected the Complaint Case No. 1977(c) of 2010 registered under Section 245 Cr.P.C.

As per prosecution, the complainant filed a complaint case bearing Complaint Case No. 1977(c) of 2010 alleging that the accused person gave a proposal to the complainant for purchase a piece of land under Arpana Sahkari Grih Nirman Samiti Ltd., Patna who allotted to one Sudina Devi in the year 1989 and she transferred the said land to Ashok Kumar Thakur in the year 2001 and said Ashok Kumar Thakur executed a power of attorney in favour of accused Shashi Bhushan Kumar. Thereafter, a deed of agreement was executed on 11.01.2008 between complainant and accused Shashi Bhushan Kumar. It is further stated that Rs. 3 lacs as advance and Rs. 4,34,000/- was also paid. Accused person also demanded Rs. 1,00,000/- to construct the house of the complainant. That on the basis of said information, a Complaint Case No. 1977(c) of 2010.

It seems that the petitioners are in the business of cheating. The defence of the petitioner cannot be considered at the stage of cognizance. Prima facie case has been found by the



court below while rejecting the case of the petitioner. The defence of the petitioners can be examined by Trial Court at the trial.

The trial court is directed to conclude the trial pending against the petitioners within six months.

(Sandeep Kumar, J)

Ranjeet/-

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