

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49807 of 2015

Arising Out of PS. Case No.-29447 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. Ramji Prasad Singh @ Ramji Singh, Son of Late Shiv Shankar Prasad
 2. Mukesh Kumar Singh @ Naresh Kumar Singh, Son of Ramji Prasad Singh
Both Resident of Jagatpur, P.S. Telmar, District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar
2. Namrata Kumari, Wife of Raj Kumar, Resident of Village- Mehamadppur,
P.O. Ramghat, P.S. Nagarnausa, District- Nalanda

... .. Opposite Parties

Appearance :

For the Petitioners	:	Ms. Soni Shrivastava, Advocate Mr. Amit Prakash, Advocate Mr. Ravi Bhardwaj, Advocate
For the State	:	Mr. Mukeshwar Dayal, APP
For the O.P. No. 2	:	Mr. Rajendra Prasad, Senior Advocate Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 20-09-2023

Heard learned counsel for the parties.

2. This application has been filed on behalf of the petitioners who are seeking setting aside of the order taking cognizance and issuance of summons passed on 08.05.2015 by learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 29447 (C) of 2014.

3. The complainant-opposite party no. 2 has alleged in the complaint petition that the accused no 1-petitioner no. 2 claimed to have purchased the area of 15 decimal of land pertaining to plot no. 1673 under Khata No.442 situated at Mauza-



Pahari (East of Masourhi road and South to NH) P.S.- Agamkuan, Thana No. 14, District- Patna through a registered sale deed and claimed to be a recorded tenant having Zamabandi No. 6352. He also claimed possession in the capacity of the land owner.

4. It is alleged that the complainant after purchasing the said land from accused no. 1 went there and tried to put boundary wall, she came to know that the accused persons have cheated her by executing registration of part of the land in her favour which has already been acquired by the State through Land Acquisition Department for the purpose of construction of drainage system known as Badshahi Nala.

5. After some argument, learned counsel for the petitioners submits that he would not press this application for and on behalf of the accused no. 1- petitioner no. 2 and would reserve his submissions to be raised at the time of framing of charge.

6. Learned counsel for the petitioners, however, submits that on a bare perusal of the complaint petition, it would appear that there is no whisper of allegation against the accused no. 2- petitioner no. 1. The submission is that petitioner no. 1 has been implicated in this case only because he happens to be the father of the accused no. 1. Referring to various paragraphs of the complaint



petition, it is submitted that the allegations are very specific and have been directed against accused no. 1.

7. Mr. Ritesh Kumar, learned counsel for the complainant-opposite party no. 2 has fairly conceded that in the complaint petition, there is no allegation against the accused no. 2- petitioner no. 1, therefore, he would have no objection if the impugned order is partly set aside in respect of petitioner no. 1.

8. Mr. Mukeshwar Dayal, learned APP for the State is present and has endorsed the submission of learned counsel for the complainant.

9. Having regard to the aforementioned facts and circumstances, this Court sets aside the impugned order insofar as it relates to the petitioner no. 1. The prosecution of petitioner no. 1 stands quashed.

10. So far as the petitioner no. 2 is concerned, the case shall proceed against him. He will be at liberty to raise all such pleas which are available to him at the time of framing of charge.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.09.2023
Transmission Date	20.09.2023

