

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31196 of 2015

Arising Out of PS. Case No.-21 Year-2014 Thana- PAHARPUR District- East Champaran

Surenbra Pandey son of Hridya Pandey Resident of Village - Sonawal
Dakshin Patti P.S. Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

1.The State Of Bihar
2. Jaiyad Miyan, S/O Kismat Miyan R/O- village- Sonwal Dakshin Patti,
P.S.- Paharpur, District- East Champaran, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Sager Sharma, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-02-2023 Heard learned counsel for the petitioner and the State.

The present petition is for quashing of the order dated
11.02.2015 passed by the learned C.J.M., Motihari in Paharpur
P.S. Case No. 21 of 2014 for the offence registered under
Section 467, 468, 420 and 34 of the Indian Penal Code.

The informant alleged that for a particular piece of
land Rs. 2,50,000/- was given to accused persons but later, he
came to know that forged and fabricated documents for the said
land was made and whenever, he asked for money was scolded.
Accordingly, the FIR was lodged.

The police investigated the matter whereafter the role
of this petitioner as also the informant of the present case



cropped up and accordingly charge sheet was submitted amongst other, the present petitioner, the named accused as also the informant.

Learned counsel for the petitioner submits that he has no role to play which can be seen from the FIR itself, how and under what circumstances, police has implicated him is not known to him.

The case diary is available on the record. Upon perusal of paragraph 43, this Court finds that the police has incorporated the facts of the case according to which the FIR named accused as also the other accused persons including the petitioner herein and the informant were found to be complicit in the crime.

As per the investigation, the police recorded that some piece of land of Ramadhar Pandey was executed by the accused persons which included the petitioner herein on 08.09.2011 and after one and half year, the same process was repeated in which Jaiyad Miyan (informant) played an active role and the next execution was done on 14.03.2013.

Accordingly, the police found sufficient materials to submit charge sheet against the named/unnamed accused including the petitioner herein.



The matter was taken by the learned Court of Judicial Magistrate, Ist Class, Motihari on 11.02.2015. The learned Court after going through the charge sheet submitted by the police on 27.10.2014 *prima facie* found the offences under Section 467, 468, 420 and 34 of the Indian Penal Code is made out against the accused persons named in the charge sheet, the petitioner included. Accordingly, cognizance was taken in the matter.

Having gone through the case diary as also the concluding part of the police investigation which formed the basis for submission of charge sheet against the petitioner herein in which the police found the complete complicity of the petitioner in the alleged two transactions of the land in question, the learned Judicial Magistrate, Ist Class, Motihari rightly took cognizance amongst other the petitioner herein. The petitioner has not made out any case warranting interference.

The petition under Section 482 is without any merit and as such, dismissed.

(Rajiv Roy, J)

Jagdish/Neha/-

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