

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37697 of 2017

Arising Out of PS. Case No.-296 Year-2016 Thana- GAYA KOTWALI District- Gaya

Santosh Kumar Son of Late Baban Prasad Singh, R/o Village- Kolhauara,
P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Surendra Kumar, Son of Late Baijnath Prasad, R/o Mohalla- Telbigaha,
Rajendra Path, P.O.- G.P.O., P.S.- Kotwali, District- Gaya, Pin Code-823001.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur
For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 19-04-2023 Heard learned counsel for the parties.

This application has been filed for quashing of the F.I.R. bearing Kotwali P.S. Case No. 296/2016, corresponding to G.R. No. 4487/2016 dated 02.09.2016 registered for the offence under Sections 420, 406 of the Indian Penal Code and u/s 138 of the N.I. Act.

As per the F.I.R., informant is well acquainted with the petitioner who came to his house along with two persons showing some papers of land giving enticement and said that in front of gate of Magadh University the property is situated and after believing on him the said land was purchased by the informant upon giving Rs. 42,50,000/- to Santosh Kumar and the informant asked him for registration of the said plot, petitioner started to evade. When the informant demanded



money back then the accused Santosh Kumar gave him forged cheque no. 882010 dated 30.03.2010 of Rs. 6,50,000/- out of Rs. 42,50,000/-. the said cheque was presented in Bank by the informant which bounced because of insufficient fund. Then the informant lodged the F.I.R. bearing Kotwali P.S. Case No. 296/2016 against the petitioner.

From the reading of the F.I.R., it appears that *prima facie* case is made out against the petitioner.

Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *M/S Neeharika Infrastructure Pvt. Ltd. State of maharashtra and other reported in (2020) 10 SCC 118*, this application is dismissed.

The interim order dated 02.09.2016 is hereby vacated. Let a copy of this order be communicated to the District Judge, Gaya and Senior Superintendent of Police, Gaya for its compliance forthwith.

(Sandeep Kumar, J)

Ranjeet/-

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