

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 664 of 2017

Arising Out of PS. Case No.-1282 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Vir Vijay Singh, Son of Bhagwan Singh, Resident of Village :- Nirakhpur,
Pali, P.S. :- Paliganj, District :- Patna. Petitioner/s

Versus

1. The State Of Bihar.
2. Shobha Devi Wife of Vimal Prasad,
Resident of Village :- Pandio, P.S. :- Paliganj, District :- Patna.
3. Ajay Singh, Son of Shri Vir Bijay Sing,
Resident of Village :- Nirakhpur, Pali, P.S. :- Paliganj, District :- Patna.
4. Lalit Kumar Binod, Son of Late Rajdeo Singh, Sakin,
Resident of Village :- Murahara,, Pali, P.S. :- Sakurabad, District :-
Jahanabad.
5. Aman Kumar, Son of Shri Ramanand Singh, Sakin
Resident of Village :- Bharuua, P.O.:- Baliya, P.S. :- Rupauli, District :-
Purnia.
6. Dharmdeo Paswan, Son of Late Baijnath Paswan,
Resident of Village :- Nirakhpur, Pali, P.S. :- Paliganj, District :- Patna.
7. Shrimati Sita Sundar Devi, Wife of Late Sobhanath Yadav,
Resident of Village :- Nirakhpur, Pali, P.S. :- Paliganj, District :- Patna.
8. Chandrika Yadav, Son of Laldah Yadav,
Resident of Village :- Nirakhpur, Pali, P.S. :- Paliganj, District :- Patna.
9. Krishna Mochhi, Son of Shri Kamala Mochhi,
Resident of Village :- Nirakhpur, Pali, P.S. :- Paliganj, District :- Patna.
10. Sunil Kumar, Son of Ram Parvesh Yadav,
Resident of Village :- Achaua, P.S. :- Dulhin Bazar, District :- Patna.
11. Sandip Kumar, Son of Bhim Prasad,
Resident of Village :- Paliganj, P.S. :- Paliganj, District :- Patna.
12. Binod Kumar Vremma, Son of Ram Charit Prasad Verma,
Resident of Village :- Dharhara, P.S. :- Paliganj, District :- Patna.
13. Ravi Kant Chauhan, Son of Raja Balli Chauhan,
Resident of Village :- Dharhara, P.S. :- Paliganj, District :- Patna.
14. Manoj Kumar Singh @ Karu Singh Son of Late Kamata Prasad Singh,
Resident of Village :- Nirakhpur, P.S. :- Paliganj, District :- Patna.
15. Indu Paswan, Son of Ramawat Paswan,
Resident of Village :- Nirakhpur, P.S. :- Paliganj, District :- Patna.
16. Suresh Singh, Son of Late Rajjandhari Singh,

Resident of Village :- Nirakhpur, Pali, P.S. :- Paliganj, District :- Patna.

17. Ramanad Singh, Son of Tatakall Karmchari, Paliganj Prakhand,
Karayalaya, Paliganj.

Resident of Village :- Bharuua, P.O.:- Baliya, P.S. :- Rupauli, District :-
Purnia.

18. Kattib Nibandhan Karayala, Bikram

Resident of Village :- Ashpura, P.S. :- Bikram, District :- Patna.

19. Sahayak Nibandhan Paddadihkhari, Appar Nibandahan Karayala, Bikarm,
Patna.

20. Sahayak And Pradhan Sahayak, Awar Nibandahan Karayala, Bikarm,
Patna. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Lallan Singh, Adv.
For the Respondent/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 23-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present Cr. Revision petition has been filed against the order of cognizance dated 19.04.2017 passed in Complaint Case No. 1282 C of 2016 by which Court has taken cognizance under Sections 419 and 471 of the I.P.C. against 19 accused persons. The grievance of the petitioner is that he filed a complaint under Sections 420, 419, 467, 468, 471, 166(A) read with Section 120(B) of the I.P.C. but Court has not taken cognizance under all the Sections.

Counsel for the petitioner submits that all the lands and houses of complainant were sold by the accused persons,

committing fraud, cheating and impersonation.

Counsel for the State submits that there is no illegality and question of propriety and contention are there in the order of cognizance.

Upon going through the record and provisions of law, it is well settled that Court has found this case, prima facie true under provision of Section 419 and 417 of the I.P.C. There is already different stages, where the sections may be added or removed, opportunity is at the hand of the complainant that he may produce the relevant material before the Trial Court at the time of framing of charge. If the said Court found the ingredients of the succession, which the complainant is demanding, are placed in the evidence before charge, the Court is bound to frame charge under those provisions.

In this view of the matter, at this stage I found there is no subsistence in the arguments of the petition and demanding partial interference in the cognizance order is not permissible.

In this view of the matter, this Cr. Revision is hereby dismissed with the aforesaid observation.

(Dr. Anshuman, J.)

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