

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59081 of 2021

Arising Out of PS. Case No.-244 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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GIRINDRA SINGH, SON OF LATE CHANDRAKET SINGH, RESIDENT
OF VILLAGE- DUMARI, P.O.- NISHCHALGANJ, P.S.- PARWALPUR,
DISTRICT- NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NIRU DEVI, WIFE OF SUNIL SINGH, RESIDENT OF VILLAGE-
CHANAKYA NAGAR, KUMHARAR, P.S.- AGAMKUAN, DISTRICT-
PATNA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

- 3 15-05-2024 1. No one appears for the petitioner. Learned APP for
the State is present.
2. No one had appeared on behalf of the petitioner on
14.5.2024 also.
3. The instant application has been filed by the
petitioner praying for quashing the order dated 18.10.2019
passed in Complaint Case no.244(C) of 2019 whereby the
learned Additional Chief Judicial Magistrate III, Patna was
pleased to take cognizance against the petitioner under sections
420, 468 and 34 of the Indian Penal Code.
4. As per the contents of the petition of complaint, it is
stated by the complainant that she is an educated lady who runs



a medical shop along with her husband Sunil Singh. Being in need of an immovable property, it is stated that co-accused Manoj Kumar and Abhiraj Kumar got her in touch with the petitioner and his father. A piece of land belonging to the petitioner and his father was agreed to be sold to the complainant at the rate of Rs.10 lacs per *kattha* and for which an agreement to sell was entered into pursuant to which the complainant paid a total amount of Rs.45 lacs to the accused persons. It is further stated that on the date of registration of the sale deed, on the paper being presented in the registration office, the grandson of the accused namely Abhay Singh came there, raised *halla* and tore the registration documents. It subsequently transpired that the accused persons had sold the land in question on an earlier occasion to one another person namely Smt. Premlata Kumari, Aditya Kumar and Smt. Uma Kumari. In spite of the complainant giving notice to the accused to return the amount taken, the amount has not been returned. Hence, the instant complaint.

5. The statement of the complainant and the witnesses were recorded in course of enquiry and the learned Additional Chief Judicial Magistrate III, Patna by his order dated 18.10.2019 was pleased to hold that a *prima facie* case for the



offence under sections 420, 468 and 34 of the Indian Penal Code is made out against the accused persons including the petitioner herein and ordered of issuance of summons against them.

6. Having perused the contents of the complaint petition as also the statement of the complainant on S.A., the Court finds that *prima facie* case under sections 420, 468 and 34 of the Indian Penal Code is made out against the accused persons including the petitioner herein.

7. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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