

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11493 of 2022

Arising Out of PS. Case No.-380 Year-2016 Thana- KOTWALI District- Patna

RAJEEV RANJAN SINGH @ RAJU SINGH @ RAJU Son of Lae Ram Chandar Singh Resident of Village- Wajid Pur, P.S.- Bitha, District- Patna. Presently residing at Flat No. -401, Pushpa Mension Apartment, Viveka Nand Marg, A.N. Collge Boring Road, P.S.- Sri Krishna Puri, District/Town- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Prasad Singh Son of Late Shashi Bhushan Prasad Singh M.D. Aparna Housing and Construction Pvt. Ltd., Office at Vau's Automobile, Duck Bungalow Chowraha, P.S.- Kotwali, District/Town- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Sharma, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 05-01-2024 Heard the parties.

2. This application has been preferred by the petitioner for quashing of the order dated 24.1.2022 passed by the learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 380 of 2016 (G.R. No. 5113 of 2016 under section 406, 420, 467, 468 and 120 of the Indian Penal Code whereby the discharge petition filed by him was rejected.

3. Learned counsel for the petitioner submits that during the pendency of the present petition, charges have been framed against him on 2.3.2023 in connection with Kotwali P.S. Case No. 380 of 2016 (G.R. No. 5113/16) and he has also



challenged the same by way of an I.A. No. 01 of 2023.

4. Mr. Jitendra Kumar Singh, learned APP submits that the earlier prayer was for the quashing of the order dated 24.1.2022 passed by the learned Chief Judicial Magistrate, Patna by which the discharge petition preferred by the petitioner was rejected.

5. In a nutshell, the FIR is that the petitioner is one of the Director of AVR Green Homes Private Limited and the informant has alleged that the accused persons gave proposal to purchase a piece of land in front of 'Laxmi Market' Boring Road, Patna and accordingly, he transferred Rs. 3,88, 85000/- in favour of AVR Green Homes Private Limited and further allegation is that the petitioner withdrew Rs. 66,00,000/- from the said account.

6. Learned counsel appearing on behalf of the informant has also appeared in the case and he vehemently opposes the prayer stating that for a non existent land, the said amount was taken by the accused persons with the sole intention to cheat him. He further submits that earlier the petition was filed against the rejection of the discharge petition whereafter lots of water has flown down the ganges inasmuch as charges have been framed in the matter and even it is crossing the stage



of the evidence.

7. In view of the fact that the charges have already been framed in the matter and now the case has moved ahead inasmuch as it is at the stage of evidence, this Court do not find any material to extend relief to the petitioner.

8. Cr. Misc. No. 11493 of 2022 stands dismissed.

(Rajiv Roy, J)

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