

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39878 of 2023

Arising Out of PS. Case No.-121 Year-2011 Thana- DIGHA District- Patna

SATYA NARAYAN SINGH SON OF LATE HARIHAR SINGH Resident of
Village- Basaurih, P.S.- Sikrahta, Distt.- Bhojpur at present East Rupashpur,
P.S.- Rupashpur, Distt.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 18-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application has been filed for quashing of the order dated 27.02.2012 whereby the charge was framed against the petitioner for the offences u/ss 420, 467, 468 and 471 of the Indian Penal Code in connection with Digha P.S. Case No. 121 of 2011 passed by the learned J.M. First Class, Patna.

3. The prosecution case in brief is that the informant is a poor laborer and illiterate person. His brothers are also illiterate. His agnates had filed a title suit to grab his properties. In the meantime, the petitioner approached them and on condition, the informant's side became ready to execute the document in relation to the land bearing Tauzi No. 5399, Khata No. 1640 having area of



38 decimal on payment of consideration amount of Rs. 29 lakh and the petitioner assured the informant that he would pay the amount of Rs. 29 lacs to the informant and his brothers and when the court order came thereafter, after receiving the receipt, the petitioner will use the document which was made in favour of the petitioner by the informant and his brothers and so the informant and his brothers made the document on 27.01.2010 in favour of the petitioner but the said document expired on 27.03.2011. Learned counsel has further submitted that no help was made by the petitioner between the said period and the petitioner neither paid any amount nor made any help in the civil case. Thereafter, the informant's side also sent legal notice which was not received by the petitioner. When the informant's son Ashok Kumar went to the Circle Officer for payment of tax for the year 2011-12, he came to know that the petitioner had sold entire land and got entire land mutated. On contact, he abused and threatened to kill them. In the meantime, the informant's side had executed a document in favour of Chandra Mohan Jha who had provided money and helped in his civil case. It is further alleged that the petitioner had requested to take legal action for saving his property and on such the instant case was instituted.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this



case. It is further submitted that the petitioner has already compromised the case with the informants namely Chinda Devi, W/o Late Indrajeet @ Nepali Raut, Surendra Singh @ Surendra Raut, Satrudhan Singh @ Satrudhan Raut and Manohar and a joint compromise petition (at Annexure-10) was filed before the court of learned J.M. 1st Class, Patna. Learned counsel has further submitted that after framing of charge, the witnesses were examined in this case as P.W. 1 Chinta Devi on 05.04.2012, P.W. 2 Manohar Raut on 12.06.2012 and they have supported the factum of joint compromise petition. It is further submitted that during the course of trial, one witness Chandra Mohan Jha has filed a petition before the learned court below on 20.09.2012 and the rejoinder of the same petition was filed on behalf of the petitioner on 06.10.2012 and hearing was made on the same petition by both the parties on 03.11.2012 and the case was fixed for further hearing and order on 17.11.2012 but no order was passed and the case was proceeded for further hearing and order on the petition of the witness no. 7 Chandra Mohan Jha and thereafter, the proceeding was continued without giving any regards to the order of the Hon'ble High Court, Patna passed in Cr.W.J.C. No. 1096 of 2011 dated 24.11.2011(at annexure-9).

5. Learned A.P.P. for the State has vehemently opposed the quashing application of the petitioner and submitted that when



the petitioner failed to comply with the terms and conditions of the power of attorney and duly registered it in his favour, the legal notice was sent to him which was also not replied by the petitioner then the informant's side entered into an agreement with Chandra Mohan Jha who provided money and helped in the civil case. The power of attorney has already expired on 27.03.2011 and the petitioner failed to pay any amount as per condition. Thereafter, the informant entered into an agreement with another party who provided money and helped him in the case. Learned counsel has further submitted that the present application for quashing the order dated 27.02.2012 whereby the charge has been framed against the petitioner, has been filed after a delay of 12 years. The trial has already commenced and the witnesses have been examined. There is no merit in the petition filed by the petitioner.

6. Considering the aforesaid facts and circumstances of the case, this Court do not find any substance in the contention of the learned counsel for the petitioner.

7. Accordingly, the present quashing application is rejected.

(Chandra Prakash Singh, J)

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