

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36662 of 2023

Arising Out of PS. Case No.-385 Year-2022 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Jai Kishor Singh @ Jay Kishor Singh S/O Late Sundar Singh R/O Village-
Kaithi, P.S.-Chautham, District-Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Awadh Narayan Singh Son Of Yogendra Singh R/O Village- Kaithi, P.S.-
Chautham, District-Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Raj Kumar
For the Opposite Party/s :	Mr. Md. Fahimuddin
	Mr. Ramakant Sharma, Sr Advocate
	Mr. Mayank Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 01-07-2024 This application has been filed for quashing of the order dated 07.02.2023 passed in Complaint Case No. 385 C of 2022/Reg. No. 385 of 2022 by the Court of J.M.F.C., Khagaria by which cognizance has been taken against the petitioner under Section 406, 420 of the IPC as well as the order dated 16.01.2023 passed in Cr. Revision Case No. 64 of 2022.

2. According to prosecution case, the petitioner after taking consideration amount, has executed Sale Deed of the alleged land in favour of mother of the petitioner thereafter, they took possession over the land in question. After death of mother, the complainant came to know that mutation of the land was not done then all brothers including the complainant met with Revenue Employee for Mutation of said land then Revenue



Employee disclosed that *Khesra* No.3845, which was sold to the mother of the complainant is not of *Jai Kishor* rather the same belongs to one *Baldev Narayan Singh*. The complainant told the petitioner to rectify the aforesaid wrong *Khesra* Number but he did not do so. Petitioner changed the north boundary of the land in question as *Khesra* No.3640 and 3578 in place of P.W.D. Road, which was mentioned in the Sale Deed executed by him. As such the petitioner committed fraud with the complainant.

3. The Court below after examining the facts of the case has found *prima-facie* case against the petitioner.

4. Petitioner wants this Court to see the defense at the stage of cognizance. In my opinion this is not permissible. Once the court has found *prima-facie* case against the petitioner, this Court will not interfere in the impugned order. Petitioner can file an application for discharge at the stage of framing of charge and press his case on the materials available on record.

5. Accordingly, this application is dismissed and the trial court is directed to proceed in the case.

(Sandeep Kumar, J)

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