

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64569 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- MANIYARI District- Muzaffarpur

1. Manoj Paswan S/O Ram Balak Paswan R/O Village- Madhopur, P.S- Maniyari, Distt.- Muzaffarpur.
2. Prem Paswan S/O Rajendra Paswan R/O Village- Madhopur, P.S- Maniyari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bipin Kumar S/O Ramdev Paswan R/O Village- Kumai, P.O- Nari, P.S- Ghanshyampur, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate Ms. Bela Singh, Advocate Mr. Rajeev Rajnaj, Advocate
For the State	:	Mr. Yogendra Kumar, APP
For the OP No. 2	:	Mr. Kumar Prabhakar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 01-07-2024 Heard the parties.

2. The present application has been filed for quashing the order dated 3.2.2023 passed by Judicial Magistrate, 1st Class, West Muzaffarpur, in Trial no. 2029/22, arising out of Maniyari P.S. case no. 197/2022 dated 26.6.2022 by which learned J.M. took cognizance for the offence under section 406 and 420 of the Indian Penal Code and section 138 of N.I. Act.

3. The prosecution case in brief is that Bipin Kumar son of Ramdev Paswan, resident of village-Kumai, P.O.- Nari, P.S.-Ghanshyampur, District-Darbhanga gave a typed application before SHO Maniyari on 26.6.2022 alleging therein



interalia that he has to purchase a plot at Madhopur for constructing a house, so Manoj Paswan, Prem Paswan and Aklu Paswan, all are resident of village Madhopur, P.S.-Maniyari show him a plot bearing Thana no. 287, Khata no. 261, Khesara no. 2156, area 1087 square feet which belongs to Aklu Paswan. Manoj Kumar informed him that that they made an agreement with Aklu Paswan that he will sell that land to him, and Aklu Paswan gave consent for that. It has further been stated that 12 lakhs was fixed as consideration amount. It has further been stated that he paid Rs. 10,000/- on dated 17.2.2020, Rs. 60,000 and 40,000/- on 25.2.2020 and Rs. 90,000/- and Rs. 2 lakhs transferred to him. It has further been stated that from 17.2.2020 to 2.3.2020 he had paid total four lakhs rupees and rest 8 lakhs has to be paid at the time of registration. It has further been stated that on the date fixed for registry i.e. 3.3.2020 he was informed by Manoj Paswan and Prem Paswan that a family member of Aklu Paswan expired, so registry could take place after 15-20 days later, and consent for that was also given by Aklu Paswan. It has further been alleged that when he asked to return his advance money, then Manoj Paswan gave an undertaking on a stamp of Rs. 1000/- that if Akalu Paswan would not execute registry within three months then he will



return his advance money with interest. It has further been stated that on social pressure, Manoj Paswan repayed him Rs. 1,20,000/- and also gave a cheque of Rs. 50,000/- through cheque no. 590205 dt 28.2.22 which was dishonoured by the Bank. He gave advocate notice twice but he neither gave reply to the notice nor returned his advance money.

4. At the very outset, learned counsel for the opposite party no. 2 has submitted before this Court that in the Court of the learned Sessions Judge, Muzaffarpur in ABP No. 2990 of 2022, the petitioner had said that he will return the entire amount to the informant and without returning the entire amount now the petitioner has approached this Court for quashing.

5. The aforesaid fact about the order of the Sessions Judge, Muzaffarpur has been suppressed.

6. This application is dismissed as the petitioner has suppressed the material facts.

7. The trial Court is directed to expedite the trial and concluded the same within six months.

(Sandeep Kumar, J)

P. Kumar

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