

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76047 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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BHAGWAN PASWAN son of Late Shanichar Paswan Village- Raghuvar
Nagar, W.No-29, Ps- Begusarai Town Lohiya Nagar OP Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fani Bhushan Singh @ Fadi Bhushan Singh son of Shri Lakshmi Singh R/o-
Cheria Bariyarpur Po Ps- Cheria Bariyarpur Dist- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar Singh, Adv.
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-01-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned counsel for the petitioner submits that
from bare perusal of the allegation as alleged in the complaint
case, it would manifest that prima facie no offence is being
made out against the petitioner. It is further submitted that
petitioner is a retired school teacher. It is next submitted that the
only allegation against the petitioner is that he introduced the
O.P. No.2 to one Bachcha Singh, who assured that he would get
him a flat of the housing board for an amount of Rs. 20 lakh,
accordingly, the O.P. No.2 gave Rs. 6 lakh to Bachcha Singh but
the flat was not handed over to the O.P. No.2 on which he



contacted the petitioner, when the petitioner took him to the house of Bachcha Singh, where Bachcha Singh disclosed that the cost of the house has increased from Rs. 20 lakh to Rs. 35 lakh and if the O.P No.2 is willing to pay some more amount, in that event the deal can still be struck, on which the O.P. No.2 did not get ready, hence Bachcha Singh gave a cheque of Rs. 6 lakh to the O.P. No.2, which on presentation for encashment bounced. The learned counsel next submits that in the nature of allegation, it can be safely culled out that neither the petitioner has taken money nor at the behest of the petitioner, any money was given to Bachcha Singh rather the petitioner merely introduced the O.P. No.2 to Bachcha Singh, and thereafter, the deal was struck in between the O.P. No.2 and Bachcha Singh.

3. The learned APP rebuts the submissions of the learned counsel for the petitioner and submits that in the complaint, the complainant alleges that no doubt the amount of Rs. 6 lakh was given to Bachcha Singh but then the said amount was first handed over to the petitioner and thereafter the petitioner used to give money to Bachcha Singh. The learned APP thus submits that it appears that the O.P. No.2, on faith of the petitioner, used to give money to Bachcha Singh. It is further submitted that if what has been submitted by the learned counsel



for the petitioner is true in that event he can raise all the issues at the time of framing of charge, as the Court at the stage of framing of charge had a wider jurisdiction.

4. At this stage, the learned counsel for the petitioner seeks permission to withdraw the present quashing application with liberty to raise all issues at the time of framing of charge.

5. Permission is accorded.

6. The present quashing application is dismissed as withdrawn with aforesaid liberty.

(Satyavrat Verma, J)

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