

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1511 of 2024

Arising Out of PS. Case No.-44 Year-2019 Thana- SC/ST District- Vaishali

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SUJEET KUMAR S/O DEENA PASWAN R/O VILLAGE- DIGHI KALA
PASCHIMI, P.S- SADAR HAJIPUR, DIST.- VAISHALI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. MANJU KUMAR W/O NEETESH KUMAR R/O MOHALLA-
GANDHILANE NO. 03, P.O- PANCHSHIL NAGAR, KHAGRI ROAD
PATNA DANAPUR, DISTT.- PATNA.
3. NITESH KUMAR S/O RAM BINOD SINGH R/O MOHALLA- GANDHI
LANE NO. 03, P.O- PANCHSHIL NAGAR, KHAGRI ROAD, PATNA
DANAPUR, DISTT.- PATNA.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ramesh Kumar Choudhary
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 23-09-2025

Heard the parties.

2. The present appeal is directed against the order dated 30.01.2024 passed by learned Exclusive Special Judge SC/ST Act-cum Additional District and Sessions Judge, Vaishali at Hajipur in protest cum complaint petition bearing C.I. 56 of 2021 arising out of Hajipur Police Station Case No. 44 of 2019 (G.R. No. 203/209) under sections 420, 406, 341, 323, 504/34 of the IPC and Section 3(i)(r)(s) and 3(2)(a) S.C/S.T Act whereby and whereunder the case was dismissed holding that no case is made out against the accused persons (respondents) and there is no ground to proceed further.



3. As per complaint case, the complainant, Sujeet Kumar, entered into a negotiation for the sale of 35 decimal of land situated in plot no. 19, belonging to the land owners Nagendra Nath son of Brajesh Rai and Dhananjay Rai alias Munna Rai son of Rambilash Rai, located at village-Latmara. The total consideration amount was settled at Rs. 32,00,000/ (Thirty two lakh)-. Pursuant to this agreement, two sale deeds were executed on 15.05.2018 in favour of the accused persons, namely Harendra Kumar, Manju Kumar and Nitesh Kumar. However, in the sale deed, the consideration amount was mentioned as only Rs. 16,10,000/- (Sixteen lakh ten thousand) in place of the actual agreed sum of Rs. 32,00,000/(Thirty two lakh), and it was recorded therein that the amount had been fully received by the vendors. As per oral negotiation, an amount of Rs. 15,90,000/-(Fifteen lakh ninety thousand) remained due, which was to be paid after the purchasers received the receipts from the Registration Office, Hajipur. It is further stated in complaint petition that the complainant collected the original sale deeds from registration office and kept it with him and same would be handed over to the purchasers only upon payment of outstanding dues. Despite repeated demands by complainant, the accused persons failed to pay the balance



amount of Rs.15,90,000/-. It is further alleged that the accused persons abused the complainant by using caste name, assaulted him with slaps and fists, pointed a pistol at him, and attempted to snatch the original sale deeds. Thereafter, Hajipur SC/ST P.S. Case No.44 of 2019 was registered.

4. Learned counsel for the appellant submits that after submission of the final form by the I.O, the protest petition was filed by the informant which was converted as complaint petition on 09.02.2021 bearing protest cum complaint case No. as C.I 56 of 2021 and enquiry was initiated under Section 202 Cr.P.C by the concerned court. Complainant gave S.A under Section 202 Cr. P.C and thereafter E.W 1 Sonu Kumar, E.W. 2 Dharmendra Kumar and E.W 3 Mahendra Paswan were examined on solemn affirmation and they have supported the case of the complainant. It is further submitted that without appreciating the fact of the case regarding agreement to sale dated 14.11.2017 and sale deed dated 12.05.2018, the concerned court has dismissed the complaint petition even though remaining unpaid consideration amount of Rs. 15,90,000/- was never paid to complainant. In the light of aforesaid facts and circumstances of the case, the complainant has adduced all the enquiry witnesses in support of the complaint. The concerned



court while recording the dismissal order has recorded that the oral evidence are not given preferential treatment in the light of the documentary evidence, which is totally uncalled for. In the light of aforesaid facts and circumstance, the order passed by the concerned court is without justification and without application of mind and same is liable to be dismissed.

5. Learned counsel for the State and respondent no.2 have submitted that the concerned court has discussed the complaint petition and the examination of the complaint on S.A and enquiry witnesses 1, 2 and other documentary evidence. Agreement to sale deed dated 11.11.2017 and xerox of sale deeds no. 3186 dated 12.05.2018 and 3185 dated 12.05.2018 clearly reflects that land was negotiated for sale of consideration money of Rs. 32 lakh while value of the property including plot no. 17, 18 and 19 total area 23 katha is recorded as 2 lakh in agreement to sale deed dated 14.12.2017. There was not a single whispering on both sale deeds that there was any dues against purchaser and it has also been recoded in the finding of the concerned court that no dues receipt were issued by the registration office and there is no any dues remained against purchaser and also there is no ground to demand any amount from purchaser by mediator. It has also been recorded that



complainant has intention to realize surplus amount beyond the consideration money. In the light of said finding, the concerned court has conclusively observed that no case is made out against the accused persons and there is no ground to proceed further in the case and instant complaint case is dismissed under Section 203 Cr.P.C. The concerned court has recorded that initially FIR vide Hajipur P.S. Case No. 44 of 2019 dated 21.11.2019 was instituted against the respondents, who were made accused therein. However, after due investigation, the police submitted final form. The concerned court has given due opportunity to the complainant to produce all the enquiry witnesses and court has not denied the opportunity regarding producing enquiry witness by the complainant.

6. From perusal of the order dated 30.01.2024, it appears that trial court has explained the reason for which complaint petition has been dismissed and there is nothing in impugned order where it is found that the complainant has not given due opportunity for adducing the evidence. The learned trial court has found that there is no sufficient material to proceed further and in the light of the facts and circumstances of the case, the complaint petition has been dismissed under Section 203 of Cr.P.C.



7. After hearing the parties concerned and the material available on record, the concerned court treated the protest petition as complaint petition as earlier Hajipur P.S. Case No. 44 of 2019 was registered and police has submitted final form and thereafter protest petition was filed. The court has taken decision to convert the protest petition into complaint petition and allow all the enquiry witnesses to be examined. The concerned court has given reasoning that no dues remained against purchaser and it has also been recorded that no dues receipt issued by the registration office. There is also no ground to demand any amount from purchaser by mediator and the reasoning recorded by the trial court is on the basis of material available on record and the concerned court has accordingly dismissed the complaint petition. There is nothing on record which entails that opportunity of complainant has been denied, rather the record reflects that all the enquiry witnesses have been produced in support of the complaint petition.

8. Keeping in view aforesaid facts and circumstances of the case and the reasoning recorded by the concerned court as discussed above, the order passed by the concerned court is justified and legal in the light of the facts and circumstances of the case and I find no reason to differ from the impugned order



dated 30.01.2024.

9. Accordingly, the present appeal stands dismissed at
the stage of admission itself.

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2025
Transmission Date	NA

