

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57820 of 2015

Arising Out of PS. Case No.-739 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Abdul Samad Son of Nezamuddin Ansari Resident of Village-Sabeyakala,
P.S.-Chanpatia, District-West Champaran.

... .. Petitioner

Versus

1. State Of Bihar
2. Vijay Kumar Mishra Son of Late Ramlakhan Mishra, Resident of Village-
Chamwaliya, P.S.-Bagaha, District-West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. T.N. Thakur, APP
For the Opp. Party No.2	:	Mr. Milind Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

13 21-04-2025 Heard the parties.

2. This application has been filed for quashing the order dated 05.06.2015 passed by the learned Judicial Magistrate, 1st Class, Bagaha, West Champaran, in Complaint Case No.2936 of 2015, by which the learned Magistrate has taken cognizance against the petitioner for the offence under sections 420, 467, 468, 471 and 120-B of the Indian Penal Code.

3. As per the complaint petition, the father of the complainant purchased 01 *bigha*, 11 *Kathas* and 12 *dhoors* of land from one Manori Devi through registered document dated 25.05.1959 and Jamabandi was also created in the name



of his father. Thereafter, the complainant has been regularly paying the rent and obtaining rent receipts. However, on 16.07.2014, the accused persons came to the land of the complainant holding different weapons and said that the aforesaid land has been purchased by them. On enquiry, the complainant came to know that the petitioner, who is *Halka Karamchari*, is in collusion with other accused persons got the land of the complainant mutated in favour of the accused persons on the basis of the forged documents. It has also been alleged that the accused persons have tried to grab the land of the complainant on the basis of forged sale deed.

4. It has been submitted by learned counsel for the petitioner that the mutation in question has been made by the then *Halka Karamchari* namely, Sri Ram Singh and the petitioner had no role in the same and the records also bear the signature of the predecessor of the petitioner. It has also been submitted that the petitioner took charge on 25.07.2012 whereas, the land in question was mutated and “*sudhi Patra*” was issued on 14.07.2012 itself.

5. On the other hand, learned counsel for the opposite party no.2 submits that the relevant document clearly shows that interpolation was made in Khesra and Khata and



earlier also such type of irregularity has been made by the petitioner and for that, a departmental proceeding is also initiated against the petitioner.

6. The petitioner wants this Court to quash the cognizance order considering his defence. The defence of the petitioners cannot be seen at this stage as the matter requires investigation. Accordingly, this application is dismissed with liberty to the petitioner to raise all the grounds at the time of framing charge.

(Sandeep Kumar, J)

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