

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47077 of 2021

Arising Out of PS. Case No.-83 Year-2018 Thana- ARA NAWADA District- Bhojpur

AMRENDRA BEHARY SHARAN Son of Late Brindaban Behari Sharan
Resident of Mahadeva Road Ara, P.S. - Ara, District - Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Singh Son of Late Nandji Singh Resident of Village - Kusre,
P.S. - Sandesh, District - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Sr. Advocate Mr. Praveen Prakash
For the Opposite Party/s	:	Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 18-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

2. This application has been filed for quashing the order dated 09.06.2020 passed by the Chief Judicial Magistrate, Bhojpur, Ara in G.R. Case No.-540/18 taking cognizance in the case on amongst others the Petitioner under Sections 406, 420, 467, 468, 120-B of the Indian Penal Code and issuing summons against accused Petitioner and transferring the case to the Court of Judicial Magistrate for disposal according to law.

3. The prosecution story in short is that one Manoj Kumar Singh, resident of Village- Kusre, P.S.-Sandesh, District- Bhojpur filed a Complaint Petition giving rise to Complaint



Case No.- 96C/18 before the Chief Judicial Magistrate, Bhojpur, Ara against seven persons including the Petitioner alleging *inter alia* that he had purchased 1.87½ acres of lands bearing Khata No.-4, plot nos.-1347, 1348, 1350 and 1354 and some other plots including plot nos.-1337, area 15 5/8 and 8 and 5/8 15 decimals and plot no.-1337-31½ decimals, plot nos.-1337, 1335 - one Bigha one Katha, plot no.-1337-64 decimals. Accused nos.- 1 to 4 in conspiracy with each other and with premeditation prepared document by getting identified by accused no.-5 and 7 (the present petitioner) and transferred the lands of the petitioner on 16.10.17 for which the complaint petitioner could get knowledge by witness no.-1 Vinay Singh. The complainant obtained certified copy of the document. On getting such information the complainant asked accused nos. 1 to 4 to get the document cancelled which the accused refused on 30.12.17. The complainant reported the matter to the Police first which failed to act upon and hence he filed the instant complaint petition.

4. Though notice has been validly served on opposite party No. 2 but he has chosen not to appear.

5. The petitioner is alleged to be the identifier of the vendor. It is not alleged that the petitioner has identified a wrong



person or identified someone as owner of the land which is registered in the name of someone else.

6. While being mere identifier, the petitioner has not committed any criminal act.

7. In view of the above, this application is allowed.

8. The impugned order dated 09.06.2020 passed by the Chief Judicial Magistrate, Bhojpur, Ara in G.R. Case No.-540/18 is quashed.

(Sandeep Kumar, J)

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