

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47074 of 2021

Arising Out of PS. Case No.-617 Year-2017 Thana- ARA NAWADA District- Bhojpur

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

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hare Ram Singh Son of Late Ram Govind Singh Resident of Village - Kusre, P.S.- Sandesh, Distt.- Bhojpur.

... .. Opposite Party/s

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Appearance :

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

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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 09.08.2019 passed by the learned Chief Judicial Magistrate, Bhojpur, Ara in G.R. Case No.-5084/17 which on transfer numbered as Gr.-5084/17/Tr.-319/19 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 the accused including this petitioner before transferring the case to the Court of Judicial Magistrate 1st/2nd Class for trial and disposal in accordance with law.

3. As per the prosecution case, one Hareram Singh, son of



Ram Govind Singh, resident of Village-Kusre, P.S.-Sandesh, District-Bhojpur filed a complaint petition giving rise to Complaint Case No.-1967C/17 before the learned Chief Judicial Magistrate, Bhojpur, Ara against 7 persons including the petitioner alleging *inter alia* that he had purchased the lands of Khata No.-4, Plot Nos.-1337, 1372, 1374 in the year 1968 and came in possession thereof. The vendor and accused nos. 2 to 4 had full knowledge of the sale of those lands but in order to put a loss to the complainant accused nos. 2 to 4 in conspiracy with each other got executed a forged sale deed on 16.10.2017 by getting identified by their known persons. The complainant got the knowledge of the document and then asked accused no.1 to 4 to get the sale deed cancelled but they refused. Hence the complainant in the first instance approached the Police and they failed to act upon the matter, he filed the instant complaint petition.

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

5. From the reading of the complaint petition / F.I.R., it appears that though the petitioner is named in the column of the accused persons but there is no allegation levelled against the petitioner.



6. The police after investigation has submitted chargesheet and thereafter cognizance has been taken against the petitioner and other co-accused persons.

7. In view of the fact that there is no allegation levelled against the petitioner in the complaint/F.I.R., I am of the view that the prosecution of the petitioner is bad in law.

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

9. The impugned order dated 09.08.2019 passed by the Chief Judicial Magistrate, Bhojpur, Ara in G.R. Case No.- 5084/17 with regard to the petitioner and further proceeding as against the petitioner is quashed. The prosecution of other accused shall continue.

(Sandeep Kumar, J)

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