

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5625 of 2022

Arising Out of PS. Case No.-461 Year-2018 Thana- PURNEA SADAR District- Purnia

NEHA EQBAL W/o Syad Kamar Ahmad Eqbal Resident of Mohalla -
Lalbagh, Purnia City, Madhopur, P.S.- Sadar Purnia, Dist.- Purnia.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MAHFUZUL HASAN Son of Late Zahirul Hasan Resident of Madhepura,
P.s. madhepura, Dist.- Madhepura At present - Khazanchi Hat, P.S. Sahayak
Khazanchi Hat, Dist. - Purnia.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Adv. Mrs. Mira Kumari, Adv. Mr. Amarshakti, Adv. Mr. Shashank Shekhar, Adv. Ms. Riya Raj, Adv.
For the State	:	Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 12-02-2026 Heard learned Senior Counsel for the petitioner,

learned counsel for Opposite Party No. 2 and learned APP for

the State.

2. This application has been filed for quashing of the
order dated 24.07.2019 passed by the learned Chief Judicial
Magistrate, Purnia, in G.R. No. 2969 of 2018 arising out of
Sadar P.S. Case No. 461 of 2018, whereby and whereunder the
learned Magistrate took cognizance of the offences under
Sections 419, 420, 468, 504 and 506/34 of the IPC against the
petitioner and others, differing from the final form.

3. The prosecution case, in brief, is that the



informant, Mahfuzul Hasan, alleged that he had purchased land bearing Khata No. 24, Khesra No. 757, measuring 2 kathas, situated at Mauza-Alamganj, in the year 1988 and was in possession thereof. It is alleged that when he went to fence the said land, accused Syed Nasar Ahmad Eqbal and others abused and assaulted him, claiming to have purchased the same land through registered sale deeds. Upon verification, the informant allegedly found that certain persons had executed sale deeds dated 03.03.2016 and 22.06.2018 in favour of Syed Nasar Ahmad Eqbal and Nehal Eqbal (petitioner) by way of impersonation, with an intention to grab his land, and they also allegedly threatened him with dire consequences.

4. Learned Senior Counsel for the petitioner, by drawing my attention towards the charge-sheet, has submitted that the investigating authorities found it to be a case of land dispute. However, the learned Chief Judicial Magistrate vide the impugned order dated 24.07.2019 in Sadar P.S. Case No. 461 of 2018 took cognizance against the petitioner also amongst other accused persons. She has further submitted that the petitioner is a bona fide purchaser and, therefore, could not be held liable for criminal proceedings.

5. On the other hand, learned counsel for Opposite



Party No. 2 has submitted that some of the accused persons preferred a revision before the learned Sessions Judge, Purnea, which was dismissed by the learned Sessions Judge.

6. So far as this submission is concerned, the stand of the petitioner cannot be put at par with those accused persons whose revision has been dismissed, because she is a bona fide purchaser of the land. A title suit, as submitted, is pending between the parties.

7. Considering the above-mentioned facts and circumstances, the impugned order dated 24.07.2019, passed by the learned Chief Judicial Magistrate, Purnia, in G.R. No. 2969 of 2018 arising out of Sadar P.S. Case No. 461 of 2018, is quashed only against the petitioner.

8. Accordingly, this criminal miscellaneous application is *allowed*.

(Nawneet Kumar Pandey, J)

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