

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25743 of 2026

Arising Out of PS. Case No.-228 Year-2025 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Vishwanath Patel S/o Late Ramashray Patel R/V- Badhai Tola, Sundrapur
Ward No 4, PS- Bijdhari, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Balindra Patel S/o Late Rikeshwar Patel R/v- Badhai Tola, Sundrapur, P.S.-
Bijdhari, Dist.- East Champaran
3. Ajit Kumar S/o Balindra Patel R/v- Badhai Tola, Sundrapur, P.S.- Bijdhari,
Dist.- East Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Patel, Advocate Mr. Mukesh Kant, Advocate Mr. Shivendra Kumar Sinha, Advocate
For the Opposite Party/s :		Mr. Dr. Mrityunjaya Kr. Gautam, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed the application for quashing
of order dated 10.09.2025 passed by the learned Judicial
Magistrate-1st Class, Sadar, Motihari in Complaint Case No.
228 of 2025 whereby and whereunder, the learned trial court has
dismissed the complaint against Opposite Party Nos.2 and 3
filed under Sections 318(4) and 316(2) of the B.N.S. and against
the aforesaid order the petitioner had filed a Criminal Revision
bearing Criminal Revision No. 342 of 2025 and the same was



heard by learned Sessions Judge, East Champaran at Motihari and had affirmed the order dated 10.09.2025 passed by learned J.M.-1st Class, Sadar, Motihari in Complaint Case No. 228 of 2025 by an order dated 12.01.2026.

3. As per the allegation, an amount of Rs. 3,50,000/- was paid to Opposite Party Nos.2 in his bank account by the son of the complainant on the assurance that the land would be registered in the name of the complainant. When the complainant requested Opposite Party Nos.2 and 3 to execute a sale deed, the Opposite Party No.2 was adamant to assault the complainant and further told that the land would not be registered in his name and thereafter he did not return the money.

4. Learned counsel for the petitioner has submitted that the amount was credited in the bank account of Opposite Party No.2 and there was a clear intention to cheat the complainant. It has further been submitted that the inquiry witnesses have supported the case of the complainant and the learned Magistrate had in a mechanical manner dismissed the complaint of the complainant under the provision of Section 226 B.N.S.S. giving a finding that the case seems to be of civil nature.



5. Heard the parties and perused the records.

6. Considering the allegation levelled against the Opposite Party Nos.2 and 3 which are primarily of civil nature and the finding of the learned Magistrate does not warrant interference.

7. This quashing application is devoid of merits and is accordingly dismissed.

(Praveen Kumar, J)

shivam/-

U		T	
---	--	---	--

