IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46234 of 2018

CNR No. BRHC010409732018

Arising Out of PS. Case No.-336 Year-2016 Thana- PATNA COMPLAINT CASE District- Patna

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Surendra Prasad S/o Rameshwar Prasad, Nav Jan Kalyan Sahkari Grih Nirman Samiti Ltd. at present Assistant Engineer, Police Bhawan Nirman Nigam, Rastriyaganj, behind Dr. K.P. Sharma, Station Road, Phulwarisharif, P.S.- Phulwarisharif, District- Patna.

... ... Petitioner/s

Versus

1. State Of Bihar
2. Smt. Archana Sinha, W/o Sanjani Kumar Sinha, Resident of At Chitavan Vidyapati Marg, P.O.- G.P.O., P.S.- Kotwali, at present Resident of At House No. E- 132, P.C. Colony, P.S. Kankarbagh, District- Patna- 800020.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Dr. Satyendra Kumar Srivastava
For the Opposite Party/s : Sri Ahmad Ali
Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

7 27-10-2026 Heard the learned counsel for the petitioner and learned counsel for the State. None appears on behalf of the opposite party no. 02 despite vakalatnama having been filed on her behalf.

2. This application has been filed on behalf of the petitioner for quashing the order dated 19.07.2017 in Complaint Case No. 336(c) of 2016 by the Judicial Magistrate, 1st Class, Patna.

3. The prosecution case, in brief, is that Opposite Party No. 2, Archana Sinha, filed Complaint Case No.

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336(C)/2016, alleging that the petitioner is the Secretary of Nav Jan Kalyan Sahkari Grih Nirman Samiti Ltd. It is alleged that in 1992, the complainant purchased a plot of land bearing Plot No. 122, situated at Sonapur, measuring 2744 sq. ft., for a total consideration of Rs. 12,775/- through the said Samiti. Although a registered sale deed was executed by the petitioner in respect of the said land, possession thereof was not delivered to the complainant. It is further alleged that when the complainant protested against the non-delivery of possession, her gold chain and wristwatch were snatched on 24.12.2015.

4. Upon consideration of the materials available on record and the submissions advanced on behalf of the parties, this Court finds that a *prima facie* case is made out against the petitioner. The allegations in the complaint indicate that despite the execution of a registered sale deed in favour of Opposite Party No. 2, possession of the land in question was not delivered to her. The complainant has further alleged that when she protested against the non-delivery of possession, her gold chain and wristwatch were snatched. These allegations require proper adjudication during trial and no ground for interference with the impugned order is made out at this stage.

5. Accordingly, the present application is dismissed.

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6. The learned court below is directed to proceed with the trial in accordance with law and conclude the same within one year from the date of receipt of a copy of this order. A compliance report shall be submitted to this Court upon conclusion of the trial.

7. Let a copy of this order be communicated to the Principal District and Sessions Judge, Patna through FAX for its compliance.

(Sandeep Kumar, J)

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