

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67702 of 2019**

Arising Out of PS. Case No.-403 Year-2016 Thana- UDWANTNAGAR District- Bhojpur

Alok Kumar Son Of Ashok Kumar Singh @ Ashok Singh Resident Of Village
- Pawat Behra, Agarsanda Behra, P.S.- Ara Muffasil, Distt - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shobha Kumari D/O Awadh Bihari Shaw R/O Village- Bhelie, P.S- Udwant Nagar District- Bhojpur At Ara

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Shyam Kumar Singh, APP
	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 27-01-2026 Heard the learned counsel for the petitioner, learned
APP for the State and the learned counsel for the O.P. No. 2.

2. This application has been filed for quashing the order dated 14.03.2019 passed in Cr. Rev No. 122 of 2018 by the learned Additional Sessions Judge VIII, Bhojpur at Ara by which the Court below rejected the revision application filed by the petitioner and also for quashing the order dated 31.08.2017, passed in G.R. No. 5522 of 2016 arising out of Udwantnagar P.S. Case No. 403 of 2016 by the learned Chief Judicial Magistrate, Bhojpur Ara by which he took cognizance U/s 420 and 34 of the Indian Penal Code against the accused persons including the petitioner.

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



namely Shobha Kumari, filed Complaint Case No. 1729(C)/2016 before the Court of the Learned Chief Judicial Magistrate, Bhojpur at Ara. In the said complaint, allegations were made against her brother Jiut Sah, her bhabhi Sheema Devi, Monu Kumar (purchaser), and Alok Kumar (the present petitioner). It was stated that the complainant's father, Awadh Bihari Sah, had filed Partition Suit No. 194/2018 against the accused Jiut Sah and others. In the said partition suit, accused Jiut Sah appeared and filed his written statement, and the suit is presently pending before the Court of the Learned Sub Judge-XIV, Ara. During the pendency of the suit, an order of injunction dated 07.12.2011 was passed restraining the parties from transferring the suit property. Despite the said injunction, accused Jiut Sah violated the order and sold a portion of the disputed land to Monu Kumar. Thereafter, the complainant's father as well as the complainant herself filed Miscellaneous Case No. 01/2016 against accused Jiut Sah, which is still pending at the stage of evidence. It is further alleged that accused Jiut Sah intentionally and fraudulently sold the remaining portion of the land which was the subject of Partition Suit No. 54/2010. It is further alleged that the left thumb impression of Awadh Bihari Sah, shown as a witness on the



aforesaid sale deed, was forged and obtained through impersonation. The complainant came to know about the same after obtaining a certified copy of the sale deed. Thereafter, she attempted to lodge an FIR at Udwanthnagar Police Station, but the police officials refused to register the case. Consequently, she sent a complaint to the Superintendent of Police, Bhojpur, through registered post dated 24.06.2016. Subsequently, the complainant filed the aforesaid Complaint Case No. 1729(C)/2016 before the Court of the Learned Chief Judicial Magistrate, Bhojpur at Ara, for offences punishable under Sections 420 and 34 of the Indian Penal Code against the accused persons including the present petitioner. The said complaint case was thereafter forwarded for investigation to Udwanthnagar Police Station, pursuant to which Udwanthnagar P.S. Case No. 403/2016, dated 24.11.2016, was registered.

4. Learned counsel for the petitioner submits that the dispute between the parties is purely civil in nature arising out of a partition suit, and therefore initiation of criminal proceedings is an abuse of the process of law. It is further contended that the petitioner has no role in the alleged execution of the sale deed and that no ingredients of the offence under Section 420 of the Indian Penal Code are made out against him.



5. Per contra, learned APP for the State and learned counsel appearing for O.P. No. 2 vehemently oppose the application. It is submitted that prima facie case has been found against the petitioner.

6. Having heard the learned counsel for the parties and upon careful perusal of the records, this Court finds that the complaint as well as the materials collected during investigation disclose prima facie commission of cognizable offences. The allegations levelled against the petitioner is of cheating, fraud, and impersonation. The learned Chief Judicial Magistrate, Bhojpur at Ara has rightly taken cognizance of the offences, and the revisional court has correctly affirmed the said order by rejecting the revision petition. There is no illegality in the impugned orders.

7. In view of the aforesaid discussion, this Court finds no merit in the present application. Accordingly, the application stands dismissed.

(Sandeep Kumar, J)

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