

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82624 of 2019

Arising Out of PS. Case No.-1050 Year-2017 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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BRAJENDRA KUMAR SINGH Son of Late Ram Layak Singh Resident of
Village-Kasap, Police Station-Udwanthnagar, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birendra Pratap Singh Son of Late Shriram Singh Resident of Village-Kasap, Police Station-Udwanthnagar, District-Bhojpur.
3. Rana Pratap Singh @ Rana Birendra Singh Son of Birendra Pratap Singh Resident of Village-Kasap, Police Station-Udwanthnagar, District-Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Pandey, Advocate
For the State	:	Mr.Jharkhandi Upadhyay, APP
For the O.P. No. 2 and 3	:	Mr. Sunil Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 27-01-2026 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for O.P. Nos. 2 and 3.

2. The present application has been filed for quashing
the order dated 14.08.2019 passed by learned Additional
Sessions Judge-IIIrd, Bhojpur at Ara in Cr. Rev. No. 94/2018
whereby and whereunder learned court below has set aside the
order taking cognizance dated 12.02.2018 passed by learned
C.J.M., Ara in protest complaint case no. 1050(c)/2017 arising
out of Udwanthnagar P.S. Case No. 442/2016 in which learned



court has taken cognizance against O.P. Nos. 2 and 3 under Sections 420, 406 and 323 of the Indian Penal Code.

3. As per the prosecution case, petitioner paid the full amount for the land and was given possession, which he peacefully used for agriculture. When he later asked for registration, the accused abused, assaulted and threatened him with death and they refused to execute the sale deed and tried to cheat him.

4. Learned counsel for the petitioner submits that the petitioner had filed a criminal case against accused persons and the lower court accepted it and took cognizance. However, the revisional court rejected the same and considered it a civil matter and not criminal. Learned counsel further submits that as the case involves criminal offenses, it is a criminal case.

5. Learned A.P.P. for the State as well as learned counsel for O.P. Nos. 2 and 3 have jointly supported the order passed by the lower court.

6. From the materials available on record, it appears that the impugned order dated 14.08.2019 has rightly been passed by the learned court below and in view of the law laid down by the Hon'ble Supreme Court in the case of ***Murari Lal Gupta vs. Gopi Singh*** reported in (2005) 13 SCC 699, it is a



case of violation of agreement of sale for which no criminal case is made out. Moreover, a title suit is also pending between the parties.

7. Accordingly, this application stands dismissed.

(Sandeep Kumar, J)

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