

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.18581 of 2015**

Arising Out of PS.Case No. -266 Year- 2014 Thana -KOCHADHAMAN District- KISANGANJ

Manoj Kumar Basak, Son of Late Kalicharan Basak, resident of Idgah Mohra,  
Police Station- Kochadhaman in the district of Kishanganj. .... Petitioner

Versus

1. The State of Bihar

2. Upendra Prasad Mandal, Son of Late Jamadar Mandal , Block Supply Officer,  
Kochadhaman (Kishanganj), resident of Manikpur, P.S.- Simraha in the district of  
Araria. .... Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Raj Kumar, Advocate  
For the Opposite Party/s : Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 04-05-2015**

Heard learned counsel for the petitioner and learned  
counsel for the State.

This application under Section 482 of the Code of  
Criminal Procedure has been filed for quashing the order dated  
13.03.2015 passed by the learned Sub-Divisional Judicial  
Magistrate, Kishanganj whereby finding a prima facie case to be  
made out for the offences punishable under Sections 467, 468, 419  
and 420 of the Indian Penal code as well as Section 7 of the  
Essential Commodities Act, the petitioner has been summoned to  
face trial.

It would appear from the allegations made in the first information report that several irregularities were made by the petitioner in the stock and sell register in order to sell the subsidized food-grains of different schemes in black market. The allegations made in the first information report have been supported by the witnesses and, accordingly, a report under Section 173(2) of the Code of Criminal Procedure was filed in the Court.

After taking into consideration the allegations made in the first information report as well as the materials collected in course of investigation and the report of the police submitted under Section 173(2) of the Code of Criminal Procedure, the learned Sub-Divisional Judicial Magistrate has summoned the petitioner to face trial vide impugned order dated 13<sup>th</sup> March, 2015.

I find no illegality in the order passed by the court below. Accordingly, the application is dismissed.

**(Ashwani Kumar Singh, J)**

Sanjeet/-

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