

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17859 of 2013**

Arising Out of PS.Case No. -54 Year- 2012 Thana -BHAGWANPUR District- BEGUSARAI

Sujit Kumar Singh @ Sujit Kumar, S/O Sri Suresh Singh, resident of Village- Palidih, Police Station- Bhagwanpur, District-Begusarai, Presently Posted as Commandant 13 B, Military Force, Bango in the District of Korna (Chhatishgarh).

.... .... Petitioner

Versus

1. The State of Bihar
2. Ram Chandra Thakur, S/O Uchit Thakur, resident of Village- Palidih, Police Station- Bhagwanpur, District-Begusarai.

.... .... Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Advocate  
: Mrs. Anita Kumari, Advocate  
For the Opposite Party/s : Mr. Ajay Kumar No.1 (App)

**CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL**  
**ORAL ORDER**

4      23-07-2015      The accused-petitioner has filed this application for quashing the order dated 16.02.2013 passed by the learned Chief Judicial Magistrate, Begusarai in Bhagwanpur P.S. Case No.54 of 2012 by which cognizance has been taken against the petitioner for the offence punishable under Sections 420 and 367 of the Indian Penal Code.

2. The prosecution case, in brief, as disclosed in the written report of the informant to the Chairman, Human Rights Commission, Bihar, is that the informant belonged to a poor backward community and the accused petitioner is employed in the Police Department at Raipur in the State of Chhatisgarh. Ten



years ago, the petitioner had taken Amarjit Thakur, son of the informant with him by giving false assurance for arranging employment. The petitioner had given assurance to make payment of all salaries from employment with him at the time when the informant would marry his daughter. On this assurance, the informant handed over his son Amarjit to the petitioner, who took him to Chhatisgarh. Later on, when he required money for the marriage of his daughter, the informant went to the petitioner at Raipur and requested him to give him the amount of salary and to meet his son. Thereafter, the petitioner became angry and expressing his annoyance asked him to return, otherwise, he would send the informant to jail. It is further alleged that petitioner demanded Rs.1 lac, if he wanted to meet his son Amarjit Thakur. On this written complaint, Bhagwanpur (Tiyai) P.S. Case No.54 of 2012 was registered against the petitioner for the offence punishable under Sections 367 and 342 of the Indian Penal Code and Sections 16 and 18 of Bounded Labour System (Abolition) Act, 1976. After investigation, charge sheet was submitted against the petitioner under Sections 367 and 420 of the Indian Penal Code and Sections 16 and 18 of Bounded Labour System (Abolition) Act, 1976 and the cognizance was taken against the petitioner under Sections 420 and 367 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only in retaliation. A case instituted by Smt. Pallavi Choudhary, wife of the petitioner giving rise to Raipur Civil Lines P.S. Case No.460 dated 25.10.2010 in which Amarjit Kumar, son of the informant was convicted under Section 381 of the Indian Penal Code and sentenced to period already undergone vide judgment of conviction and order of sentence dated 4.02.2011 passed by the learned Chief Judicial Magistrate, Raipur, Chhatisgarh. The son of the informant remained in custody from 7.12.2010 to 27.08.2011. He further submits that on 24.12.2010 as well as on 19.04.2011 the informant, opposite party no.2 had met his son Amarjit Thakur at Central Jail, Raipur in the state of Chhatisgarh. Bharti and Amrita, both sisters of Amarjit Thakur had also met him at Central Jail, Raipur, Chhatisgarh on 6.08.2011 and 12.08.2011 respectively. This information had been given to the petitioner by the Public Information Officer to the wife of the petitioner (Annexure-5 to this application). The informant had also acknowledged during investigation that his son had been sent to jail and thereafter, the complaint had been made to the Human Rights Commission. He had also acknowledged that Amarjit Thakur, son of the informant returned to his village in the month



of September, 2011 and presently his son Amarjit Thakur was working in a Saloon with his father near Refinery Gate. In paragraph 20 of the case diary, the Sub Divisional Police Officer, Teghra had also noted this fact as the victim, son of the informant had returned to his village on 1.09.2011 and further about working in a Saloon with his father at Begusarai. The Superintendent of Police had also taken note of the alleged victim son of the informant having been sent to jail and also having been released as well as having come to village home on 1.09.2011. Thereafter, the complaint had been made by the informant to the Chairman of the Human Rights Commission and thereafter, the complaint had been referred to the Superintendent of Police, Begusarai vide letter dated 17.04.2012. Considering all the materials, it appears that the informant had lodged this case only to tarnish the image of the petitioner.

4. The learned counsel for the State submits that from perusal of the case diary, it appears that the witnesses have supported the prosecution case and after investigation, the police has found a prima facie case against the petitioner and accordingly, charge sheet has been submitted. The learned Magistrate has rightly taken cognizance against the petitioner and no interference is required by this Court.

5. After hearing the learned counsel for both the parties and on perusal of the case diary, it appears that the contention of the learned counsel for the State is correct. The learned Chief Judicial Magistrate has found prima facie case against the petitioner and has taken cognizance. I do not find any ground to interfere with the impugned order.

6. It appears from the case diary that the petitioner has not been able to place the relevant material before the Investigating Officer for his consideration.

7. This application stands disposed of with liberty to the petitioner to raise his grievance and produce relevant documents before the learned court below at the time of framing of charge, which will be considered on its own merit without being prejudiced by this order.

**(Amaresh Kumar Lal, J)**

V.K. Pandey/-

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