

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41078 of 2012

Arising Out of PS.Case No. -16 Year- 2012 Thana -null District- GAYA

Harvansh Roy, Son of Basant Prasad, resident of Village-Dumari Chatti, P.S.-
Fatehpur, District-Gaya.

.... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ambarish Kumar, Advocate

Mr. Rashid Izhar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-05-2015

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 18.05.2012 passed by the learned Judicial Magistrate-1st Class, Gaya in Fatehpur P.S. Case No. 16 of 2012 whereby the learned Magistrate finding a prima facie case to be made out for the offences punishable under Sections 420, 467, 468 and 504 of the Indian Penal Code, has summoned the petitioner to face trial.

According to the prosecution case, the petitioner is alleged to have produced forged matriculation certificate and mark-sheet of Intermediate Science for getting appointment on the post of Shiksha Mitra. The documents in question were duly verified and a report was received that the same were forged and fabricated. Accordingly, initially, a complaint was filed by one

Bishwambhar Yadav, the then Mukhiya of Dumari Chatti, Circle-Fatehpur. The said compliant was referred to the police under Section 156(3) of the Code of Criminal Procedure for investigation, pursuant to which Fatehpur P.S. Case No. 16 of 2012 was registered. In course of investigation, the police have found the allegations made against the petitioner to be true. Accordingly, a report under Section 173(2) of the Code of Criminal Procedure was submitted before the learned Magistrate. On perusal of the allegations made in the first information report, the oral and material evidence collected in course of investigation and the police report submitted under Section 173(2) of the Code of Criminal Procedure, the learned Magistrate found a prima facie case to be made out against the petitioner and summoned him to face trial vide impugned order dated 18th May, 2012.

Regard being had to the facts and circumstances of the case, I find no illegality in the impugned order passed by the learned Magistrate. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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