

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50653 of 2012

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1. Lal Mohan Singh S/O Late Ram Dayal Singh Resident Of Mohalla-Kishanganj, Railway Colony, Police Station- Kishanganj, District-Kishanganj, At Present Working As Se/P.Way/Construction/Patna E.C. Railway.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin(APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 14-05-2015 Heard learned counsel for the petitioner and learned counsel for the State.

This application has been filed for quashing the orders dated 26.9.2012 and 6.4.2010 passed by the Additional District and Sessions Judge-II, Katihar and Special Railway Judicial Magistrate, Katihar in Cr. Rev. No.46 of 2010 and C-11-04 of 2000, arising out of R.P.F. Post Case No.1(8) of 2000 by which prayer for discharge has been rejected.

As per FIR allegation has been made that constables on patrolling duty on 1/2. 8.2000 were going from Mukuniya towards Bhawanipur Halt where they saw 5-6 persons who were taking iron of rail and were going towards Azamnagar. They were chased and they threw the iron in the field and

fled away. The petitioner was not named in the FIR but during investigation the name of the petitioner has surfaced. An application for discharge was filed which has been rejected by the Magistrate. Against that order criminal revision was filed and the District and Sessions Judge-II, Katihar vide order dated 26.9.2012 has found sufficient material and has recorded that the accused persons have committed theft of railway property worth Rs.25,00,000/-.

This Court does not find any error in the impugned orders.

Accordingly this application is dismissed.

(Shivaji Pandey, J)

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