

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10602 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- MUZAFFARPUR

Raj Kumar Singh son of Durga Singh, Resident of village Dariyapur P.S. Fatuha
Dist. Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Bijay Kumar Singh @Bijay Singh son of Late Lakhandeo singh.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar Thakur, Adv.
Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-03-2015

No one appears on behalf of the petitioner on the second consecutive date.

The petitioner seeks quashing of the order of cognizance dated 08.10.2007 passed in G.R. No. 3202 of 2006 by the Judicial Magistrate 1st Class Muzaffarpur.

The case of the informant who was the Dy. S.P. Muzaffarpur is that one Bijay Singh i.e. O.P. No. 2 had alleged that petitioner had killed his daughter and he had taken employment by changing his date of birth. On enquiry it was learnt that the allegation with regard to murder of his daughter was false. However, on enquiry it was learnt that petitioner had manipulated his documents and got employment in police even though he was under age.

It has been submitted that the important thing is that the petitioner was appointed on 12.12.1982 whereas the present enquiry was done in the year 2006 i.e. 22 years later. From the petition filed herein, it appears that the petition had given his date of birth as 01.01.1961 and at one point of time it was wrongly entered in the Fathua High School as 04.01.1965. At the time of appointment on 12.12.1982, he had rectified his date of birth as 01.01.1961 before the authorities, so undoubtedly had committed no wrong in doing so. Moreover there is no complaint against him with regard to the alleged manipulation in date of birth by the authorities.

Considering the aforesaid, the application is allowed and the order of cognizance dated 08.10.2007 passed in G.R. No. 3202 of 2007 by the Judicial Magistrate 1st Class Muzaffarpur, is hereby quashed.

(Anjana Prakash, J)

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