

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 27938 of 2009

Arising out of P.S. Case No. -0 Year- null Thana -null
District- MADHUBANI

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1. Kedar Nath Jha, Son of late Ram Krishna Jha, Resident of Ward No. 12 (Supaul) Post Office and Police Station Supaul, District-Supaul presently posted as B.E.E.O. Singheshwar (East) Police Station Singeshwar, District-Madhepura.
 2. Kailash Mehta @ Kaushal Mehta, Son of late Thakur Prasad, Resident of Village-Aurahi, P.S.-Gamharia, District-Madhepura, presently posted as a Teacher in Primary School, Mojma, P.S. Shankarpur, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rupa Kumari, D/o Sri Talkeshwar Ram, R/o Professor Colony Ward No. 5, P.S.-Distt.-Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.

For the Opposite Party/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Abhishek Anand, Adv.

For the State : Mr. R. B. Roy "Raman" APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 31-07-2015

The Petitioners seek quashing of the order of cognizance dated 02.03.2009 passed by the Judicial Magistrate, 1st Class, Madhepura in Singeshwar P.S. Case No. 13 of 2008 (G.R. No. 206 of 2008).

The case of the Complainant is that the Petitioners who were the Block Extension Education Officer in the Block Office demanded illegal gratification for giving her the selection list. When she did not do so they manipulated the records and delisted her from the group.

It has been submitted on behalf of the Petitioners that fact of the matter is that the Petitioners as per rules were not permitted to include the Complainant in the selection list. The case was found true only against the Panchayat Secretary after investigation.

Counsel for the Complainant submits that the Petitioners have committed irregularity in selection and, therefore, they should be prosecuted.

Considering that even by an ultimate stretch of imagination no criminal offence would be made in the facts of the case, the proceeding as against the Petitioners including the order of cognizance dated 02.03.2009 passed by the Judicial Magistrate, 1st Class, Madhepura in Singeshwar P.S. Case No. 13 of 2008 (G.R. No. 206 of 2008) is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

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