

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 43247 of 2011

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

1. Hari Narayan Sao S/O Late Bharat Sao Resident of Village - Chhotki Baliyari ,
Police Station - Bikram , District - Patna At Present Working On The Post Of
Panchyat Sewak (Seceretary) Posted At Naubatpur Block , District - Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sunil Kumar Sharma S/O Late Daroga Singh Resident Of Village - Jafara
Bhagwanpur , Police Station - Naubatpur , District - Patna .

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-03-2015

The petitioner seeks quashing of the order of cognizance dated 02.05.2011 passed by the Sub-Divisional Judicial Magistrate, Danapur in Naubatpur P.S. Case No. 230 of 2010 even though final report was submitted in the matter.

The case of the complainant is that the petitioner reducing his age four years had taken government service and had derived benefit of the same.

It has been submitted on behalf of the petitioner that he was appointed to the post of Dalpati in his Gram Panchayat as per the Government Circular and a controversy arouse with regard to his age. He then filed C.W.J.C. No. 1139 of 1996 in which by order dated

12.12.1996 this Court held that the date of birth of the petitioner was 20.02.1952 and the authorities were directed to make payment of his salary from the date he had joined the training institute. In compliance of the order of this Court he was also given posting in Paliganj Block. Under these circumstances evidently the allegation with regard to manipulation in age is frivolous and deserves to be set aside.

Having considered the aforesaid facts, the application stands allowed and the order of cognizance dated 02.05.2011 passed by the Sub-Divisional Judicial Magistrate, Danapur in Naubatpur P.S. Case No. 230 of 2010, is hereby quashed.

(Anjana Prakash, J)

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