

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7229 of 2013

Arising Out of PS.Case No. -58 Year- 2004 Thana -JAGDISHPUR District- -

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1. Sita Ram Jha S/O Late Mahendra Jha Resident Of Village- Paroria, P.S.- Ujyarpur, District- Samastipur, at present posted as Additional District Land Acquisition Officer, Buxar
 2. Nurul Hoda S/O Late Iliyas Resident Of Mohalla- Issam Nagar, Brahpora, P.S.- Ishak Chak, District- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Hira, son of late Gyasuddin, village Puraini, Tola Ahmad Khani, P.S. Jagdishpur, Distt. Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R.K. Singh, Adv.

Mr. K.K. Jha, Adv.

For the State : Mr. Akram Ali, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-09-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners, who were the Circle Inspector and the Karamchari, seek quashing of the order dated 22.1.2013 by which the Judicial Magistrate, Bhagalpur, has refused to discharge them in Jagdishpur, P.S. Case No. 58 of 2004, G.R. No. 809 of 2004.

The case had been instituted stating therein that certain irregularities have been committed in granting loan of Indira Awas Yojana. During investigation, it transpired that the B.D.O. had unilaterally sanctioned the loan without the report of the Circle Inspector of Katihar. In such circumstances, the Petitioners seek

discharge.

The case diary has been gone through by the Additional Public Prosecutor and he is not in a position to resist the said argument.

Hence, the application is allowed and the Proceeding including the order dated 22.1.2013 passed by the Judicial Magistrate, Bhagalpur, in connection with Jagdishpur, P.S. Case No. 58 of 2004, G.R. No. 809 of 2004, so far as the Petitioners are concerned, is hereby set aside.

(Anjana Prakash, J)

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