

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10919 of 2013

Arising Out of PS.Case No. -1488 Year- 2008 Thana -KHAGARIA COMPALINT CASE District- -

1. Vibha Sinha W/O Late Ramesh Kumar Sinha Resident Of Mohalla-
Kamruddinganj, Police Station- Biharsharif, District- Nalanda
.... Petitioner

Versus

1. The State Of Bihar
2. Meena Devi W/O Vijay Kumar Singh Resident Of Anganbari Sevika,
Telihar Centre, Centre No. 97, Gram Panchayat-Telihar, P.S.+Block-
Beldaur, District- Khagaria
.... Opposite Parties

Appearance :

For the Petitioner : Mr. N.P. Yadav, Adv.

For the Opposite Parties : Mr. Binod Kumar 3 (App)

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 25-06-2015 Heard the learned counsel for the petitioner
and the State.

This is a petition for quashing the order taking cognizance against the petitioner. The complainant was the Agan Bari Sevika of Center no. 97, Telihar Panchayat, Khagaria and it is alleged that the petitioner, who is a Child Development Project Officer, used to demand rupees one hundred out of rupees one thousand per month, given to Agan Bari Sevika for submitting the voucher of Posahar and it is, further, alleged that the complainant showed her inability to pay the part of the amount. She was abused and assaulted and under the threat they took away the register of Posahar, take home ration distribution register, crack food register, balwadi register, stock register, permanent and temporary register etc. with a threat that the Agan Bari

Center's services shall be suspended and it is alleged that the complainant is a matric pass and honest and her Center is fit to be promoted as Agan Bari Center, but, the accused has conspired in forwarding her application.

The learned counsel for the petitioner, however, contends that the allegations are false and it is not proper to be believed that the petitioner, a Child Development Project Officer, is supposed to do such type of illegal activities.

However, having regard to the fact that the petitioner filed a petition for quashing the order taking cognizance, the order taking cognizance can not be quashed on the ground that the allegations are false and whether the allegations are true or false is required to be tested at the trial.

Hence, I am not inclined to interfere with the order taking cognizance. However, the petitioner may raise the issue at the stage of framing of the charge.

With this observation, this application is **disposed off.**

(Gopal Prasad, J)

SA/-

U	√	T	√
---	---	---	---