

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42430 of 2012

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1. Lalan Prasad Rai @ Lalan Yadav S/O Late Ram Basni Yadav Resident
Of Village- Pakahi, P.S.- Kusheshwar Asthan, District- Darbhanga

.... Petitioner

Versus

1. The State Of Bihar.
2. The Block Development Officer, Kusheshwar Asthan, West at Satighat,
P.S.- Kusheshwar Asthan, District- Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 16-04-2015 The petitioner figured as an accused in Kusheshwar Asthan P.S. Case No.225/11, wherein offences punishable under Sections-406, 420, 467 and 468 of I.P.C. were alleged against him. The court of Sub-Divisional Judicial Magistrate, Biroul at Benipur, District- Darbhanga took cognizance of the same through order dated 22.8.2012.

This petition is filed under Section-482 of Cr.P.C. with a prayer to quash the same.

Heard Shri Jagdish Prasad Singh, learned counsel for the petitioner, and Shri Parmanand Prasad, learned A.P.P. for the State.

The allegation against the petitioner is that even while being a government employee, he received the

flood relief to the extent of Rs.25,000/- through impersonation. The petitioner contends that his name is Lalan Prasad Rai @ Lalan Prasad Yadav and though his name is shown as Lalan Prasad Rai in the school records, he had to receive the amount in the name of Lalan Prasad Yadav on account of the fact that the said name was entered in the voters' list. The question as to whether the allegations against the petitioner constituted any crime and whether they are true, needs to be considered in the trial. This is not a case where no crime can be discerned even if the allegations contained in the F.I.R. are taken as true.

The Court finds no merit, in this petition. The petition is, accordingly, dismissed.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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