

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53142 of 2008

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

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Sharwan Kumar, son of late Yadu Ram, resident of Road No.6C, Hospital Quarter,
New Gardaanibagh, P.S.-Gardanibagh, District-Patna, at present residing at IAS
Colony, New Bailey Road, P.S.- Danapur, Patna.

.... Petitioner/s

Versus

State of Bihar

.... Opposite Party/s

With

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Criminal Miscellaneous No. 24718 of 2009

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

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Vijay Kumar, son of late Yadu Ram, resident of Road No.6C, Hospital Quarter,
New Gardaanibagh, P.S.-Gardanibagh, District-Patna, at present residing at IAS
Colony, New Bailey Road, P.S.- Danapur, Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 53142 of 2008)

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate
Mr. Upendra Mishra, Advocate

For the Opposite Party/s : APP

(In Cr.Misc. No. 24718 of 2009)

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate
Mr. Upendra Mishra

For the Opposite Party/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-07-2015

1. The Petitioners seek quashing of the order of
cognizance dated 16.08.2015 passed by the Chief Judicial
Magistrate, Patna, in Special Case No.09 of 2006/G.R.No.12 of 2001
arising out of SC/ST P.S. Case No.41 of 2001.

2. The case of the Informant was that the Petitioners
had sought employment on their claim of belonging to Scheduled

Castes.

3. It has been submitted on behalf of the Petitioners that it is true that they have been given employment on the basis of belonging to Scheduled Castes since their mother belong to *Dusadh* community which came within the said category. The Petitioners have also been accepted in the community as Scheduled Castes and thereafter there was no justification for instituting the present case. Moreover, after the present case was instituted, an enquiry was held into the matter which held that the Petitioners' claim was correct and despite such objective finding charge-sheet has been filed against the Petitioners.

4. Be that as it may, on going through the unimpeachable documents which show that the Petitioners had rightly claimed for reservation, the order of cognizance dated 16.08.2015 passed by the Chief Judicial Magistrate, Patna, in Special Case No.09 of 2006/G.R.No.12 of 2001 arising out of SC/ST P.S. Case No.41 of 2001, is hereby set aside.

5. The application stands allowed.

(Anjana Prakash, J)

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