

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41412 of 2012

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Chandra Shekhar Prasad, Son of Shree Naresh Yadav Resident of Village-
Manjhauli, P.S.-Madanpur, Distt.-Aurangabad(Bihar)

.... Petitioner.

Versus

1. The State Of Bihar
2. Dipak Kumar Son of Shree Krishana Prasad Khatari R/O Mohalla-
Bajaja Road, Daudnagar, P.S.-Daudnagar, Distt.-Aurangabad (Bihar)

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Anil Kumar Singh No. 6, Advocate.
For the State : Mr. A.L.Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 13-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This is a petition for quashing the order dated 07.04.2011
passed by the learned Sub-Divisional Judicial Magistrate,
Daudnagar, Aurangabad, in Complaint Case No. 166 of 2010/1280
of 2012 by which cognizance has been taken for offence under
Sections 406 and 420 of Indian Penal Code.

It is alleged that on 09.06.2009, petitioner along with
three unknown persons came into the jewellery shop of the
complainant and purchased jewellery worth Rs. 42,515/- but
payment was made only Rs. 4000/- and told that rest amount will
be paid on 15.06.2009, but father of the complainant did not agree
to give jewellery. Thereafter, petitioner issued a cheque of Rs.

2,00,000/- on assurance again purchase on 15.06.2009. Again the petitioner purchased jewellery worth Rs. 1,61,485/-. However, cheque issued alleged to have been bounced.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case as petitioner has been granted anticipatory bail on the basis of report that he has no account in the Bank.

However, on the basis of report, the complaint petition cannot be quashed and this Court cannot go into the appreciation of the fact produced as evidence in defence at this stage and this fact is to be decided at the stage of trial on the basis of evidence adduced by the parties as well as giving them the rebut an evidence adduced.

Hence I am not inclined to interfere with the order taking cognizance at this stage. However, the petitioner will be at liberty to raise issue at the subsequent stages of framing of the charge or even at trial.

With this observation, this petition is disposed of.

m.p.

(Gopal Prasad, J)

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