

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4238 of 2013

Arising Out of PS.Case No. -165 Year- 2010 Thana -PATNA COMPLAINT CASE District- PATNA

1. Ram Naresh Roy S/O Ram Narain Roy Resident Of East Gardiner Road, House No. C/21, P.S- Kotwali, Distt- Patna.

.... Petitioner/s

Versus

- 1.The State Of Bihar
- 2. Sri Virendra Kumar Constable No. 2261 Special Branch (Chief Minister Security), Bihar, Patna, P.S- Secretariat, District- Patna.
- 3. Sri Sanjay Kumar Magistrate Duly Posted At Biscomaun Bhawan, Audit Wing, P.S- Gandhi Maidan, District- Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Jamal Mustafa

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 30-07-2015 Heard learned counsel for the petitioner, learned counsel for the Opposite Party Nos. 2 and 3 and learned A.P.P. for the State .

The petitioner seeks quashing of the order dated 24.09. 2011 passed in Cr. Revision No. 695/2010 by the learned Additional Sessions Judge- III, Patna who has upheld the order dated 05.07. 2010, passed in Complaint Case No. 165 (C)/2010 by the leaned Judicial Magistrate, 1st class, Patna by which the complaint case has been dismissed holding that no sufficient cause is made out for proceeding against opposite Party Nos. 2 and 3.

Learned counsel for the petitioner submits that the

petitioner retired as Sectional Officer of the Human Resources Department, Government of Bihar on 31.08.2008, whereafter, he was appointed as Section Officer in the Mining Department of the State of Bihar on contract basis. The petitioner was allotted quarter number C-21, East Gardener Road, Patna, while in service in Human Resources Department. After his retirement, he was allowed to stay in the said quarter from 01.09.2009 till 31.01.2010.

Vide office order No.201/2009 dated 21.10. 2009 of the Building Construction Department, whereafter a modified order was issued vide letter No. 227 dated 20.11.2009, wherein, the petitioner was asked to vacate the said quarter and in case he will not vacate the quarter, then Eviction Proceeding shall be initiated by the competent authority.

From perusal of the records of the case and after consideration of the facts of the complaint case 165 (C)/2010, I see no merit in this application. This application is accordingly, dismissed.

(Nilu Agrawal, J)

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