

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27404 of 2014

Arising Out of PS.Case No. -11 Year- 2001 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

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1. Umesh Prasad Rai Pankaj, son of Sri Ram Ashish Rai Resident of Village - Chandchour P.S. - Ujiarpur, District - Samastipur, presently posted as Senior Section Engineering, Pathway, Muzaffarpur
 2. Manish Kumar, son of Sri Birendra Kumar Singh Resident of Brahampura Town, P.S. and District - Muzaffarpur, presently posted as Senior Section Engineering, Pathway, Sonapur
 3. Bipin Kunar Singh Son of Late Vishnu Bahadur, Resident of Lohianagar, P.O. - Suhadnagar, Dist- Begusarai, presently posted in the office of Senior Section Engineering, Pathway, Thana Bihpur
 4. Nand Kishore Chaudhary Son of Late Nathu Chaudhary Resident of Bahadurpur, Ward No. 27, Town/P.S./Dist. - Samastipur, presently posted under Assistant Divisional Engineer (Path), Barauni
 5. Shiv Shankar Jha Son of Late Chandrashekhar Jha Resident of Kathalbari Vidhyapatti Chowk, Town/P.S. /Dist.- Darbhanga, presently posted as Stock Verifier, Sonapur
 6. Santosh Kumar Verma Son of Late Madan Prasad Srivastav Resident of Balughat, P.S. Sadar Muzaffarpur, Dist. - Muzaffarpur, presently posted as Junior Engineering, Path, Bachwara
 7. Umeshwar Paswan Son of Bilat Paswan Resident of Rajapur, P.S. - Bachwara, District - Begusarai, presently posted as Khalasi in the office of Sr. Section Engineering, Path East, Samastipur
 8. U.P. Verma Son of Late Bhola Prasad Verma Resident of Maheshpur, P.S. - Bhagwanpur, Dist. - Begusarai, presently posted as Store Verifier, Garhara Depot
 9. Ajay Kumar Brahmchari Son of Sri Ram Lakhan Sharma Resident of Arpa, P.S. - Hilsa, District - Nalanda, presently posted as S.I. of RPF at Hazipur, Headquarter, All 1 to 9 working under E.C. Railway, Hajipur
 10. Pradip Kumar Son of Late Bhawani Shankar C/o M/s Shanti Trading Company, Purani Bazar, Durga Asthan, Muzaffarpur

.... Petitioner/s

Versus

1. Union of India through the General Manager, E.C. Railway, Hajipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh -Advocate
For the Railway : Mr. Siddhartha Prasad-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 01-09-2016

Heard learned counsel for the petitioners as well as learned
counsel representing the Railway.

Though, under the present petition, the order dated 04.01.2014 passed by the Railway Judicial Magistrate, Barauni Junction, Begusarai relating to Barauni R.P.F. Case No.11 of 2001 has been brought up under challenge. Furthermore during course of submission, respective learned counsels have fairly admitted that while perceiving that no offence under Section 3 of R.P. (U.P.) Act is made out, the learned lower Court did not agree to discharge the petitioners, was not at all relevant in the background of the fact that offence of I.P.C. on account of some sort of illegal activities during maintaining of stock register as well as other concerning records were traced out and so, discharge was really not permissible. However, learned counsel for the petitioners has submitted that charge has not been framed under relevant provisions of I.P.C. rather under Section 3 of R.P. (U.P.) Act.

That being so, instant petition has become infructuous and is accordingly, rejected.

However, petitioners will be at liberty to challenge the relevant order in the background of finding so recorded by the learned lower Court under order impugned.

(Aditya Kumar Trivedi, J)

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