

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30692 of 2013

Arising Out of PS.Case No. -215 Year- 2006 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Nawal Kishore Singh S/O Late Ramfal Singh, resident of Village
Madhopur, P.S. Hathauri, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 19-08-2016 Heard Sri Ajay Kumar Singh, learned counsel for

the petitioner and Sri Kalyan Shankar, learned Addl. Public

Prosecutor.

The sole petitioner has approached this Court,
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
04.09.2012 passed in Chakia P.S. Case No.215/06, Tr.
No.3348/12. By the said order, the learned Judicial Magistrate, 1st
Class, Motihari, East Champaran has rejected the petition filed on
behalf of the petitioner under Section 239 of the Code of Criminal
Procedure for his discharge.

Learned counsel for the petitioner submits that in
respect of one occurrence, two F.I.Rs were lodged; one was

lodged for the offence under Sections 399 and 402 of the Indian Penal Code and another was lodged on an allegation of commission of offence under the Arms Act. He submits that in the case registered under Sections 399 and 402 of the Indian Penal Code , the proceeding against the petitioner has already been quashed by a Bench of this Court vide its order dated 22.07.2010 passed in Cr.Misc.No.1287 of 2009. Accordingly, a prayer has been made to quash the impugned order and discharge the petitioner from the proceeding in Tr.No.3348/12.

Learned Addl. Public Prosecutor, opposing the prayer of the petitioner, submits that so far as case under Sections 399 and 402 of the Indian Penal Code is concerned, the said case has got no relevance for the accusation levelled in the present case.

Besides hearing learned counsel for the parties, I have also perused the impugned order. After going through the impugned order, I do not find any ground to interfere with the same. The petition stands dismissed.

(Rakesh Kumar, J)

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