

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30545 of 2013

Arising Out of PS.Case No. -130 Year- 2008 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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Prakash Prasad S/O Late Mahavir Prasad R/O Vill.- Shamabad, P.S.- Rahui, Distt.-
Nalanda.

..... Petitioner

Versus

1. The State Of Bihar
2. Block Development Officer, Harnaut

..... Opposite Party

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Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-08-2016

Despite repeated calls, none appears on behalf of the
petitioner.

2. The instant application under Section 482 of the
Code of Criminal Procedure has been filed by the petitioner
challenging the order dated 20.08.2008 passed by the learned Chief
Judicial Magistrate, Nalanda at Bihar Sharif by which cognizance
for the offences punishable under Sections 409 and 420/34 of the
Indian Penal Code has been taken against him in Harnaut P. S. Case
No. 130 of 2008.

3. According to the FIR, the petitioner, being a

Panchayat Sewak, is alleged to have committed irregularities in construction of Primary School, Sherpur and misused the fund entrusted to him. The allegations made in the FIR were found to be true. After going through the allegations made in the FIR, materials collected during investigation and the police report submitted under Section 173(2) of the Code of Criminal Procedure, the learned Magistrate found sufficient materials to summon the petitioner to face trial for the offences punishable under Sections 409 and 420/34 of the Indian Penal Code.

4. Regard being had to the nature of allegation made in the FIR, as also the reasons assigned in the impugned order passed by the learned Magistrate, I find no merit in this application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

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