

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 21237 of 2014

Arising Out of PS.Case No. -45 Year- 2011 Thana -MITHANPURA District- MUZAFFARPUR

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Shrawan Kumar Son of Rameshwar Prasad resident of Village- Pakari, P.S-
Krishna Garh, District- Bhojpur at present B.M.P-6, Mithanpura, District-
Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Mritunjay Narain

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 12-08-2016 On call, a prayer is being made on behalf of petitioner,

in presence of Sri A.M.P.Mehta, learned Addl. Public Prosecutor,

for adjourning the case.

The prayer for adjournment stands refused.

The 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 19-02-2014
passed by learned Judicial Magistrate 1st Class, Muzaffarpur in
G.R.Case No. 650 of 2011/Trial No. 3756 of 2014 (arising out of
Mithanpura P.S. Case No. 45 of 2011) registered for the offence
under Sections 471 & 420 of the Indian Penal Code. By the said
order, the learned Magistrate has rejected the petition filed for
discharge on behalf of petitioner.

On going through the F.I.R. itself, it is evident that allegation against the petitioner is that he, on the basis of forged certificate showing the petitioner as candidate from the reserved category, got employment as Constable. Subsequently, complaint was received regarding commission of offence by the petitioner. Thereafter, the matter was enquired into and during enquiry, it was found that actual caste of petitioner was “*Rajput*”. After the enquiry, it was found that petitioner has committed criminal offence and to this effect, an F.I.R. was lodged and thereafter, at the stage of charge, petition was filed for discharge.

I have also perused the order of rejection of discharge petition. I do not find any apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J.)

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