

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.916 of 2016

Arising Out of Complaint Case No. -764 Year- 2015 Thana - District- ARRARIA

Gopal Krishnan, Aged about 47 years, Block Development Officer (B.D.O.) Kishanpur (Supaul), Son of Shri Ram Charan Prasad, Resident of Mohalla-Srinagar Hata, P.S.- K.Hat, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Law Department, Bihar, Patna.
2. Mr. Ashok Kumar Shukla, the Chief Judicial Magistrate, Araria.
3. Sri Prabhash Chandra Modi, Court Master (Peskar), C.J.M. Court, Araria.
4. Mr. Minhaj, Bench Clerk, C.J.M. Court, Araria.
5. Smt. Bima Bharti, the then Cabinet Minister of Extreme Backward Classes, Govt. of Bihar, Patna, Resident of Bhawanipur, P.S.- Rupouli, District- Araria.
6. Mr. Bibhas Chandra Mehta, Son of Basudeo Mehta, Resident of Dak Haripur Gram Panchayat, Ward No. 12, P.S.- Forbesganj, District- Araria.
7. Mr. Chandradeo Das Chandrabanshi, the then Member of Panchayat Samiti, Haripur Gram Panchayat, Resident of Forbeishganj, P.S.- Forbesganj, District- Araria.
8. Mr. Raja Raman Bhaskar @ Rantu Mandal, Leader of Janta Dal United (J.D.U) & Ex- Candidate of Araria Parliamentary Election Area, Resident of R.T. Mohan Gram Panchayat Prakhand, Forbesganj, P.S.- Forbesganj, District- Araria.
9. Mr. Mayanand Rishideo, Son of Late Bilaiti Rishideo, Ex- Member of the District Board Araria, Area No. 11, Resident of Bardaha, Doria Sonapur Gram Panchayat, Block- Forbesganj, P.S.- Simraha, District- Araria.
10. Mr. Narendra Kumar Singh, the then District Magistrate, Araria, now Addl. Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
11. Mr. Arshad Ajij, the then Deputy Development Commissioner (D.D.C), District Rural Development Agency (D.R.D.A) Araria, P.S.- Araria, District- Araria. Now posted as Private Secretary in the house of Governor, Bihar.
12. Mr. Manoj Kumar, Director of District Rural Development Agency (D.R.D.A) Araria, P.S.- Araria District- Araria.
13. Mr. Vishundeo Singh, Circle Officer, Forbesganj Anchal, P.S.- Forbesganj, District- Araria.
14. Mr. Sanjay Kumar Ram, the then Officer- In-Charge, SC/ST Police Station- Araria, District- Araria.
15. Mr. Bipin Kumar Singh, the then Officer- In-Charge, Forbesganj Police Station, District- Araria.
16. Mr. Vijay Kumar Verma, the then Superintendent of Police, District- Araria. Now Posted as A.I.G.(I) of Police in the Office of the Director General of Police, Bihar, Patna.
17. Mr. Subhash Narayan, the then Sub Divisional Officer Forbesganj, District- Araria, now Sub-Divisional Officer, Katihar, District- Katihar.
18. Mr. Dhaneshwar Sharma, Deputy Superintendent of Police, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.K. Verma, Advocate.
For the High Court : Mr. Mrigank Mauli, Advocate.
For the State : Mr. Prabhu Narayan Sharma, A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL JUDGMENT

Date: 23-09-2016

Heard learned counsel for the parties.

2. The petitioner has filed a complaint which is pending in the court of Chief Judicial Magistrate, Araria and is against as many as 14 accused including a Cabinet Minister in the State and the District Magistrate.

3. The petitioner has invoked the writ jurisdiction of this Court for initiating proceedings against the Chief Judicial Magistrate, his Court Master and his Bench Clerk for commission of criminal offences of committing forgery and for the offences under Sections 161, 165, 166, 166A, 168, 201, 420, 466, 468, 469, 471 and 120B of the Indian Penal Code and Sections 4 and 5 of the Prevention of Corruption Act.

4. The grievance of the petitioner is that the learned Chief Judicial Magistrate was on leave on 23rd of December, 2015 and the matter was adjourned to 19th of January, 2016 but the said order has been replaced by another order, a copy of which has been attached by the petitioner (Annexure-6). Annexure-6 has three orders, one of 23rd of December, 2015, which is verbatim, the same as the order

Annexure-3 at page 59, then there is an order of 19th of January, 2016 and then the order dated 15th of March, 2016.

5. I find that the present petition is nothing but to browbeat the Judicial Officer and to interfere in the discharge of the judicial functions.

6. At this stage, learned counsel for the petitioner says that he be permitted to withdraw the writ application.

7. The writ application is dismissed as withdrawn.

(Hemant Gupta, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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