

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41527 of 2015

Arising Out of PS.Case No. -1706 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Manoj Kumar, Son of Late Raj Kumar Mahto, Resident of Village-
Basantpur Bakhari, P.S. Sakra, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Ranesh Raushan, Son of Madan Prasad Singh.
Resident of Village- Railadhih, P.S. Jarangdih, P.S. Gaighat, District
Muzaffarpur.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Advocate.
For the State : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 09-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is an application for quashing the order dated 30.06.2015 passed by the learned 9th Additional Sessions Judge, Muzaffarpur, in Criminal Revision No. 170 of 2014 by which he has confirmed the order passed by Ranjula Bharti, Judicial Magistrate, 1st Class, Muzaffarpur, in Complaint Case No. 1706 of 2013 by which he has dismissed the complaint under Section 203 of Cr.P.C.

3. The prosecution case as alleged that the complainant Manoj Kumar along with five persons gave Rs. 9,50,000/- to the accused person as bribe for appointment to the post of teacher under Education Department. It is further alleged that neither the service was secured nor money was returned by the accused

person.

4. Learned Judicial Magistrate has dismissed the complaint on the ground that court is not ensure the complainant for securing the job, since the transaction of money was made for illegal purpose, so offence under Section 138 of N.I. Act is not made out and there is not sufficient ground to proceed with the complaint further.

5. The complainant against the order of dismissal of complaint by the Judicial Magistrate filed a revision petition before the revisional court and revisional court also dismissed the revision petition on the ground that money was paid for illegal gratification.

6. Learned counsel for the petitioner however contends that money was paid for securing job in Education Department by the complainant and others.

7. Having regard to the nature of allegation and order passed by the trial court that the money was paid for illegal purpose. Hence, I do not find any merit in this application to interfere with the order of the learned Judicial Magistrate as well as learned Additional Sessions Judge, Muzzarpur.

8. As a result, the application is dismissed.

m.p.

(Gopal Prasad, J)

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