

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41549 of 2013**

Arising Out of PS.Case No. -373 Year- 1998 Thana -KOTWALI District- PATNA

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Satish Kumar Banka Son of Late Girdhari Lall Banka Proprietor of Gaurab  
Resident of S.P. Verma Road, P.S. - Kotwali, Town and District - Patna.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Sarvendra Kumar Verma

For the Opposite Party/s : Mr. Mayanand Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 19-05-2016 Heard Sri Sarvendra Kumar Verma, learned counsel  
for the petitioner and Sri Mayanand Jha, 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  
22-04-2013 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Patna,  
whereby discharge petition of the petitioner filed in a case, which  
was lodged long back in the year 1998, vide Kotwali P.S. Case  
No. 373 of 1998 registered for the offence under Sections 467,  
468, 471 and 420 r/w section 120(B) of the Indian Penal Code,  
was rejected.

Learned counsel for the petitioner submits that the



petitioner was a businessman and was having no connection in respect of forged Indira Vikash Patra (in short "I.V.P."), which was presented by one Sunil Kumar, who was initially made F.I.R. named accused, but subsequently the police exonerated him and submitted final report. Instead of charge-sheeting the main person namely Sunil Kumar, the police submitted chargesheet against the petitioner and two accused persons, who are residents of Kolkata. According to learned counsel for the petitioner, without any material, the petitioner was made accused and learned court below in a mechanical manner has rejected the discharge petition, whereas, Sri Mayanand Jha, learned Addl. Public Prosecutor opposing the prayer submits that Sunil Kumar, who was made F.I.R. named accused, in his statement before the informant had made categorical statement that the said I.V.P. was given to him from the petitioner's shop. The said statement was got corroborated by examining the brother of the petitioner namely Sunil Agrawal, who also supported the fact, but he further disclosed the fact that from Kolkata two accused persons had sent that I.V.P.

Besides hearing, I have also perused the material on record. On going through the impugned order, the Court is satisfied that there is no error warranting interference.

The petition stands dismissed.

Keeping in view the fact that F.I.R. was lodged long back in the year 1998 itself, the Court is of the opinion that while dismissing the present petition, it is desirable to direct the court below to proceed with the case for its expeditious disposal.

Let a copy of this order be sent to the court below forthwith.

**(Rakesh Kumar, J.)**

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