

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4459 of 2016

Arising Out of PS.Case No. -187 Year- 2012 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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1. Maruti Mayank son of Dr. Laxami Kant Sahay, R/o Mohalla- Samit
Takiya, P.S.- Civil Lines, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Kumar, Advocate

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 13-05-2016

The present application has been filed
for quashing of the order dated 16.02.2015, passed by the
learned Sub-Divisional Judicial Magistrate, Bikramganj,
Rohtas, whereby cognizance has been taken under Sections
255, 256, 257, 419, 420, 467, 471, 120B of the Indian Penal
Code.

The prosecution case is that secret
information was received by the S.H.O. of Bikramganj Police
Station to the effect that the people are obtaining loan on the
basis of forged N.S.C., when raid was conducted and the
petitioner was found sitting in a vehicle with some peoples.

It is submitted by the learned counsel for the
petitioner that seizure does not suggest that any N.S.C. was
seized from the petitioner. During entire investigation

nothing transpired that any people took loan on the basis of forged N.S.C. Mechanically, without perusing the materials collected during investigation, order has been passed.

Keeping in view of the fact that stage of taking cognizance the Court has only to see the prima facie case.

Accordingly, this application is disposed of with liberty to the petitioner to raise all the contentions at the time of framing of charge, if the charge has not been framed at yet.

It is expected from the concerned court to pass the order after considering the contentions raised by the petitioner.

(Dinesh Kumar Singh, J)

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