

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 16150 of 2016

Arising Out of PS.Case No. -21 Year- 2014 Thana -PURUSHOTTAMPUR District-
WESTCHAMPARAN(BETTIAH)

Binod Kumar Bishwas son of Late Suresh Chandra Bishwas, resident of Village- behind Registry Office Ward No. 14 Narkatiaganj, Police Station- Shikarpur, District- West Champaran, at present Panchayat Secretary, Gram Panchayat Raj Bajara, Block- Sahodra (Gaunaha), District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Bashishtha Nr. Mishra
Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. P.K. Chourasiya (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-09-2016 Heard Sri Bashishtha Narayan Mishra, learned counsel, who was assisted by Sri Brij Kishore Mishra, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who at the relevant time was functioning as Panchayat Secretary, has approached this Court, with a prayer to quash an order dated 30-11-2015 passed by learned Additional Chief Judicial Magistrate, Bettiah, West Champaran in Purushottampur P.S. Case No. 21 of 2014, Tr. No. 1018 of 2015. By the said order, the learned A.C.J.M., after receipt of the chargesheet, has passed the order of cognizance and directed for summoning the accused i.e. petitioner.

It was submitted by learned counsel for the petitioner that during investigation, fact has emerged that petitioner had virtually returned the original document to the concerned candidate and photocopy, which was available, was handed over to his successor Panchayat Secretary and as such, there is no material against the petitioner.

However, after going through the materials on record, particularly; the impugned order, I do not find any apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J.)

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