

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 30759 of 2013**

Arising Out of PS.Case No. -87 Year- 2011 Thana -PIRBAHOR District- PATNA

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Amir Azam Khan Son of Md Akhtar Khan R/O Flat No. 201, Zenith Tower,  
Sultanganj, P.S.-Sultanganj, Distt-Patna

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

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

2. 05-05-2016 Heard Sri Harish Kumar, learned counsel for the  
petitioner and Sri Parmeshwar Mehta, learned Addl. Public  
Prosecutor.

The sole petitioner, invoking inherent jurisdiction of  
this Court under Section 482 of the Code of Criminal Procedure,  
has prayed for quashing of an order dated 30-05-2013 passed in  
G.R. Case No. 1806 of 2011/Trial No. 1829 of 2013 (arising out  
of Pirbahor P.S. Case No. 87 of 2011). By the said order, the  
learned Judicial Magistrate 1<sup>st</sup> Class, Patna (in short “Magistrate”)  
has rejected the petition filed under Section 239 Cr.P.C. for  
discharge of the petitioner.

Learned counsel for the petitioner tried to persuade  
the Court that only for the purpose of getting the amount

recovered, the F.I.R. was lodged and police in a mechanical manner, investigated the case and submitted chargesheet and same error was committed by the learned Chief Judicial Magistrate while taking cognizance. He submits that learned Magistrate has repeated the same error at the time of hearing of discharge petition, whereas, Sri Parmeshwar Mehta, learned Addl. Public Prosecutor submits that apparently in the impugned order, there is no error warranting interference.

Besides hearing learned counsel for the parties, I have also perused the material on record. After going through the impugned order, I do not find any ground for interference.

Dismissed.

**(Rakesh Kumar, J.)**

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