

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34507 of 2015

Arising Out of PS.Case No. -26 Year- 2010 Thana -HABIBPUR District- BHAGALPUR

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Md. Quasim S/O Late Md. Sarfuddin resident of Mohalla- Mohiuddinpur, P.S.
Habibpur, District- Bhagalpur

.... Petitioner

Versus

1. The State of Bihar

2. Dr. Imtiyazur Rahman, S/o Dr. Hafizur Rahman, resident of Rahman Narsingh
Home, P.S.- Tatarpur, District- Bhagalpur

.... Opposite Parties.

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Appearance :

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

For the Opposite Party/s : Mr. S. N. Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-01-2016

By way of the present application preferred under Section 482 of the Code of Criminal Procedure, 1973 (For short "CrPC"), the petitioner seeks quashing of the order dated 23.04.2015 passed by the learned Judicial Magistrate, 1st Class, Bhagalpur in Habibpur P. S. Case No. 26 of 2010 (G. R. No. 1882 of 2010) whereby the learned Magistrate has rejected the petition filed by the petitioner for discharge under Section 239 CrPC.

2. I have perused the FIR and the impugned order dated 23.04.2015. The allegations made in the FIR do attract the

ingredients of the offence alleged. In course of investigation, the Police found the allegations to be true and on the basis of materials collected in course of investigation, the learned Magistrate took cognizance of the offences. At the stage of framing of charge, when the petition for discharge under Section 239 CrPC was filed, the learned Magistrate has looked into the materials collected in course of investigation and has passed a reasoned order rejecting the discharge petition. There is no illegality or irregularity in the impugned order passed by the learned Magistrate.

3. Accordingly, the application being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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