

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13881 of 2016

Arising Out of PS.Case No. -173 Year- 2010 Thana -BANKA District- BANKA

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1. Prahalad Kumar Bhagat Son of Sri Jagdish Prasad Bhagat, Resident of Village and P.S. Amarpur, Distrcit - Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate.

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 02-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

This application has been filed for quashing the order dated 21.3.2015 passed by the Chief Judicial Magistrate, Banka in Banka P.S. Case No.173 of 2010 by which he has taken cognizance against the petitioner under Sections 353, 504, 506/34 of the Indian Penal Code and Section 3(x) of SC/ST Act.

Allegation has been made against the petitioner to have abused by his caste name and prevented him in discharge of the official duty.

Learned counsel for the petitioner submits that it is completely a malafide act on the part of the informant, as

some time before the present petitioner lodged complaint against him about his conduct whereupon administrative action has been taken against him is cause of filing of present case. The issue which the petitioner has raised cannot be gone into in the present proceeding.

This Court does not find any merit in this application. Accordingly it is dismissed. However, the petitioner will be at liberty to raise all points at the time of framing of charge.

(Shivaji Pandey, J)

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