

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19483 of 2013

Arising Out of PS.Case No. -255 Year- 2012 Thana -ROSERA District- SAMASTIPUR

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Rajesh Kumar Singh, S/O Kanhaiya Prasad Singh, Resident Of Village-
Mathurapur, P.O.- Punmadharampur, P.S.- Hathauri, District- Samastipur

.... Petitioner

Versus

1. The State of Bihar
 2. The Central Bank of India Through Kamleshwra Kumar Singh, S/O Late
Deo Sarikhan Singh R/O Village- Goreya Kothi, P.S.- Goreya Kothi,
District- Siwan (Loan Realization Officer)
 3. The Branch Manager of Erot Branch (Dist- Samastipur) Central Bank of
India
- Opposite Parties
- =====

Appearance :

For the Petitioner/s : M/S U.S.Singh, Advocate
Mr. K. Pd. Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 29-02-2016

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application has been filed under Section 482 of the
Code of Criminal Procedure for quashing of the First Information
Report vide Rosera P.S. Case No. 255 of 2012, disclosing offences
punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner has tried to submit that
no offence under Sections 406 or 420 of the Indian Penal Code is
made out on the basis of contents of the First Information Report
inasmuch as there is no allegation against the petitioner that he had
received an amount of Rs. 2,00,000/- and misappropriated the
principal amount with interest which has been calculated to be 2.84

lakh.

I do not find much substance made on behalf of the petitioner in view of specific allegation in the First Information Report that the three F.I.R. named accused persons executed a sale deed with respect to the land, which they had mortgaged in favour of the Central Bank of India against the said loans advanced to them. It cannot be said, thus, that no offence punishable under the provisions of Indian Penal Code is made out on the basis of the contents of the First Information Report. I do not find any circumstance or reason requiring this Court to quash the First Information Report, itself in exercise of inherent power under Section 482 of the Code of Criminal Procedure.

It goes without saying that the petitioner shall be at liberty to raise plea or take any ground as raised/taken in the present application at any appropriate stage of framing of charge or trial, as may be permissible to him under law. Any observation made in the present order shall not be treated to be opinion/finding on merit if such plea is raised and ground is/are before the court below.

This application is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

Vats/-

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