

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31139 of 2013

Arising Out of PS.Case No. -106 Year- 2006 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Farookh Hussain @ Farukh Hussain Khan , son of Late Yasin Ansari,
resident of village Imadpur, P.O. Matiyar, P.S. Manjhi, district Saran at
Chapra, at present resident of Raja Bazar Samanpura, P.O. B.B. College
Patna 15 P.S. Shastri Nagar, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mishra

For the Opposite Party/s : Mr. Indra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 05-05-2016 Heard Sri Anil Kumar Mishra, learned counsel for the
petitioner and learned Additional 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 13.5.2013 passed in Tr.
No. 634 of 2013 (arising out of Complaint Case No. 106(C) of
2006). By the said order the learned Judicial Magistrate 1st Class,
Buxar has rejected the petition filed under Section 245 of the
Cr.P.C. for discharge of the petitioner.

Learned counsel for the petitioner submits that
petitioner is a police officer and since petitioner was taking action
against one of the dreaded criminal who was repeatedly taking
shelter in the hut of the complainant, the complainant has

fabricated a false case and implicated the petitioner.

Besides hearing learned counsel for the parties I have also perused the complaint petition as well as the order impugned. It is not a case that petitioner being police officer has solely been made accused but from perusal of the complaint petition it is evident that besides this petitioner other four persons were also arrayed as accused on an allegation that complainant was being tried to be removed from the government land. Without going into detail, in view of the facts and circumstances, there is no apparent error in the impugned order. I do not find any ground for interference.

The petition stands dismissed.

(Rakesh Kumar, J)

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