

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43661 of 2014

Arising Out of PS.Case No. -61 Year- 2013 Thana -MANER District- PATNA

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Akhilesh Kumar Singh @ Akhileshwar Kumar Singh, Son of Late Mundrika Singh, resident of Village - Tilhari, P.S - Maner, in the district of Patna, presently Mukhiya of Gram Panchayat Raj, Singhara under Maner Block in the district of Patna.

.... Petitioner

Versus

1. The State of Bihar.

2. Gita Devi, wife of Sri Ajit Kumar Sinha, resident of Tajpur, P.S. - Maner in the district of Patna, presently Member of Panchayat Samiti Maner, representing Panchayat Samiti Singhara.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Akhileshwar Prasad Singh, Sr. Advocate.

For the Opposite Parties : Mr. Himayu Ahmad Khan, APP

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 01-12-2016

Heard learned counsel for the petitioner and learned APP for the State.

2. The challenge in the present petition is to an order passed by the learned trial court on 5th of August, 2014 in connection with Maner P.S. Case No. 61 of 2013 (G.R. Case No. 419 of 2013) taking cognizance of the offences under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

3. The learned Magistrate has taken cognizance after perusal of the diary and the statements of the informant which shows prima facie case against Akhilesh Kumar Singh and Suman Sharma.



4. Learned senior counsel for the petitioner argued that the investigating agency such as Senior Superintendent of Police and the Divisional Commissioner have not found the statements of the informant truthfulness, therefore, in the report filed, the petitioner were not made accused.

5. Be that as it may, the fact remains that the court has arrived at a conclusion that prima facie case is made out from the perusal of the diary and also the statements of the informant. Such finding recorded by the learned Magistrate cannot be said to be unwarranted merely because at the stage of investigation, the investigating agency has arrived at a different finding.

6. We do not find any error in the order passed by the learned trial court which may warrant interference in the present petition. The same is dismissed.

(Hemant Gupta, ACJ)

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
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