

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44870 of 2013

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Sri Vishnu Ram S/o Late Satya Narayan Ram Resident Of Village-
Bharaule, P.S.- Shahpur, District- Bhojpur

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh

For the Opposite Party/s : Mr. Raj Kishore Singh (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

6 05-07-2016

Heard Sri Surendra Kumar Singh, learned counsel who

was assisted by Sri Ganesh Prasad Singh, learned counsel for the
petitioner and Sri Raj Kishore Singh, learned A.P.P.

The sole petitioner have approached this court invoking
its inherent jurisdiction under section 482 of the Code of Criminal
Procedure with a prayer to quash an order dated 17.7.2013 passed
by learned Sub Divisional Judicial Magistrate, Danapur Patna in
Special Case No. 30 of 1989 arising out of Maner P.S. Case No.
121 of 1989. By the said order learned Magistrate has rejected the
petition for discharge filed under section 239 of the Cr.P.C. on
behalf of the petitioner.

Learned counsel for the petitioner submits that in the
investigation nothing has been collected showing involvement of
the petitioner. He further submits that the Block Development
Officer as well as even the District Magistrate had opined earlier

to discharge the petitioner but anyhow petitioner was forwarded as accused. He submits that no departmental proceeding was initiated against the petitioner whereas learned A.P.P. opposing the prayer of the petitioner submits that in the case diary there is material to show involvement of the petitioner. He submits that there is ample material against the petitioner.

Besides hearing learned counsel for the parties I have also perused the material available on record including the case diary. In the case diary there is prosecution sanction granted by the competent authority and only thereafter case has proceeded against the petitioner.

In view of the facts and circumstances I do not find any ground to interfere with the order which is a reasoned one.

The petition stands dismissed.

Keeping in view the fact that F.I.R. was lodged long back in the year 1989 itself while dismissing the present petition it is desirable to direct the court below to proceed with the case for its expeditious disposal.

Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J)

Praful/-

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