

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1998 of 2015

Arising Out of PS.Case No. -140 Year- 2011 Thana -KURSAKANTA District- ARRARIA

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Ajay Kumar Singh @ Ajay Kumar, son of Late Baijnath Singh resident of
Village - Kaparphora, P.S. - Kursakanta, District - Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate.
Mr. Vijay Anand, Advocate.

For the Opposite Party : Mr. Satyavrat Verma (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 28-02-2017 Heard Mr. N.K. Agrawal, learned senior counsel for the
petitioner and the learned APP for the State.

2. The petitioner filed this petition for quashing of the order dated 18.09.2013 taking cognizance in Kursakanta P.S. Case No. 140 of 2011, registered for the offences punishable under Sections 409, 420 and 379 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that in the FIR, itself, the Block Education Officer made very specific allegation that 22 bags of rice was kept at the Darwaja of Bishwanath Mandal and when raid was conducted 6 quintals of rice contained in 22 bags were recovered. Bishwanath Mandal stated that Balchand Yadav the in-charge headmaster of the school had kept the rice at his Darwaja for cleaning. It is further submitted that the petitioner is not named in the FIR. Even during the course of investigation no material has been



collected to show that the petitioner kept rice at the Darwaja of Bishwanath Mandal. On mere speculation that the petitioner who was in-charge headmaster handed over the charge on 03.09.2011 is also responsible as he has not handover the charge to his successor. But from perusal of the record, it appears the co-accused Binodanand Jha filed a petition in this Court in Cr. Misc. No. 22434 of 2013 for quashing the order taking cognizance, but after some arguments the petition was disposed of as withdrawn with liberty to the petitioner to file petition under Section 239 Cr.P.C. so that he may avail appropriate remedy.

4. Sri N.K. Agrawal, learned senior counsel for the petitioner also submits that he may be permitted to withdraw the petition so that the petitioner may file petition under Section 239 Cr.P.C. for his discharge as there is no material on record to frame charge against the petitioner.

5. Accordingly, the petition is disposed of as withdrawn to file petition under Section 239 Cr.P.C. and the learned Judicial Magistrate, Araria after perusing the entire record shall pass reasoned order.

(Prabhat Kumar Jha, J.)

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