

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16637 of 2015

Arising Out of PS.Case No. -1018 Year- 2012 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Gangeshwar Prasad @ Gangeshwar Prasad Son of Raj Kishore Prasad Lal
@ Raj Kishore Prasad Resident of Sri Krishna Nagar, Police Station -
Aurangabad, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv

For the Opposite Party/s : Mr. Manoj Kumar 1 (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 24-04-2017

Heard learned counsel for the parties.

The present application has been filed for quashing the orders dated 13.02.2014 as well as 06.01.2015, passed by learned Chief Judicial Magistrate, Sasaram in Sasaram (Model) P.S. Case No. 1018 of 2012, whereby process has been issued after cognizance being taken for the offences punishable under Section 406 of the Indian Penal Code and Section 138 of the N.I. Act.

It appears from the impugned order dated



13.02.2014, that the process was directed to be issued only against co-accused Virendra Singh as since chargesheet was submitted only against him, whereas investigation was kept pending with regard to petitioner-Gangeshwar Prasad but subsequently, chargesheet was submitted against the petitioner also and hence consequently vide order dated 06.01.2015, process were directed to be issued against the petitioner-Gangeshwar Prasad under Sections 406 of the Indian Penal Code and Section 138 of the N.I. Act.

At the stage of exercising jurisdiction under Section 190(1)(b) of the Code of Criminal Procedure, the court has to only see that prima facie case is made out or not. At this stage the Magistrate has an added advantage of perusing the materials collected during investigation brought before it by way of police report. Hence, this Court is not inclined to interfere with the impugned order at the present stage.

Moreover the impugned orders were passed on 13.02.2014 and 06.01.2015, but there is nothing on record to suggest the present stage of case.



In the circumstances, this application is disposed of with liberty to the petitioners to raise all the contentions at the appropriate stage of proceeding.

(Dinesh Kumar Singh, J)

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