

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51297 of 2013

Arising Out of PS.Case No. -67 Year- 2009 Thana -BITHAN BAZAR District- SAMASTIPUR

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Bishnu Deo Prasad Yadav @ Bishnu Deo Yadav S/O Late Saryug Yadav Resident
Of Village - Parri, P.S. Bithan, District - Samastipur

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 25-05-2017

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

2. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of the order dated 03.06.2013 passed in Bithan P.S. Case No. 67 of 2009, T.R. No. 2594 of 2013 whereby the learned A.C.J.M., Rosera, Samastipur has taken cognizance against the petitioner and two other accused persons for the offence punishable under Sections 409, 414, 420 and 120B/34 of the Indian Penal Code and under Section 7 of the Essential Commodities Act while issuing summons.

3. The prosecution case is that Krishna Mohan Jha, Block Supply Officer was informed with regard to seizure of rice and wheat by the villagers which was purchased by Ramashish Poddar from petitioner, Bishundeo Yadav, who was a PDS dealer and



allegation was that the petitioner indulged in black-marketing of foodgrains. Thereafter, seizure was made followed by inspection of the shop of petitioner in his absence, prohibited the prosecution party from getting the stock verified. In spite of giving an opportunity, petitioner failed to produce the relevant registers as well as show cause.

4. It has been submitted by the learned counsel for the petitioner that he is innocent and Section 414 of the Indian Penal Code is not applicable although one of the accused has admitted his involvement in the aforesaid offence before the villagers and the Sarpanch. Petitioner had moved this Court for quashing of the First Information Report, bearing Cr. Misc. No. 7478 of 2011, which was rejected by a Co-ordinate Bench of this Court by order dated 17.10.2011, which is Annexure-1 to this application.

5. Learned counsel for the State submits that a prima facie case is made out against the petitioner under the aforesaid sections as indicated in the cognizance order, hence, opposes the prayer of the petitioner.

6. Considering the aforesaid facts and circumstances, this application is dismissed.

7. However, it will be open to the petitioner to place the relevant documents before the investigating agency and the



learned Court below and they will form independent opinion without being prejudiced with this order.

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25 .05.2017
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