

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43243 of 2014

Arising Out of PS.Case No. -4 Year- 2011 Thana -PATNA GRP CASE District- PATNA

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1. Sita Ram Son of Late Durga Ram Resident of Village & P.S. - Chandwa, District - Latehar (Jharkhand)
 2. Mukhlal Son of Mannu Resident of Village - Hohar, P.S. & District - Ramgarh (Jharkhand)

.... Petitioners

Versus

1. The State of Bihar
2. The Union of India

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
Mr. Manoj Kumar
Mr. Sada Nand Ray
For the Opposite Party/s : Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 06-10-2017 Heard learned Counsel for the petitioners and the learned Counsel for the Opposite parties.

The petitioners seek quashing of the cognizance order dated 21.11.2011 passed by Railway Judicial Magistrate, Patna in RPF PS Case No. 4 of 2011, whereby cognizance has been taken under Section 3 of the R.P.(U.P.) Act.

The facts alleged in the FIR is that four persons were found taking away the iron bars of Railway loaded on a tractor and it is suspected that these articles were being taken to Patna for sale.

Learned Counsel for the petitioners submits that Subject



Kumar Singh, the principal accused in this case, who is the Senior Section Engineer Construction posted at Rajgir was custodian of the iron bars of the Railway, who earlier moved before this Hon'ble Court for quashing the criminal proceeding against him in this case and considering his case the criminal proceeding against him was quashed by order dated 8.8.2014 passed in Cr.Misc. No. 3030 of 2014.

Having considered the submissions of both sides and perusal of the records, this Court finds that earlier the quashing application filed by Sujeet Kumar Singh, Senior Section Engineer, Construction of the Railway, one of the accused of this case and also apprehended on the spot along with these two petitioners, was allowed by a coordinate Bench of this Court by order dated 8.8.2014 passed in Cr. Misc. No. 3030 of 2014. Similar is the material against these petitioners. Earlier the Court quashed the criminal proceeding of Sujeet Kumar Singh holding that there is no material to substantiate the charges. So the entire criminal proceeding with respect to these two petitioners in RPF PS Case No. 4 of 2011 is hereby quashed.

The application stands allowed.

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(Arun Kumar, J.)

