

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9217 of 2014

Arising Out of PS.Case No. -1 Year- 2013 Thana -PATNA GRP CASE District- PATNA

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1. Shyam Narayan Yadav Son Of Late Munnilal Yadav Resident Of Village + Post - Jamunipur, Chandauli, P.S.- Chandauli, District Varanasi, U.P.
 2. Chhote Lal Yadav Son Of Alte Devraj Yadav Resident Of Village - Shankarpur, P.S.- Chaubeypur, P.S.- Chiraigaon, District - Varanasi, U.P.
 3. Raj Kishore Singh So Of Late Ramanand Singh Resident Of Village - Loco Colony, Qr No. 424, G.H., P.S.- Alinagar, District - Varanasi, U.P.
 4. Anil Kumar Tiwari Son Fo Late Bhanu Pratap Tiwari Resident Of Village - House No. 145, Balaji Ex Place, P.S.- Lanka, District - Varanasi U.P.

.... Petitioners

Versus

1. The State Of Bihar.
2. Dharendra Mohan Jha Son Of Kashinath Jha Resident Of Village - Raghunandanpur Panchayat Piproriya, P.S.- Jhanjharpur, District - Madhubani

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Deepak Kumar Singh
For the Opposite Party : Mr. Mustae Alam (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

8 28-11-2017 Heard learned Counsel for the petitioner as well as the learned Counsel for the State. None appears on behalf of Opposite party No. 2 though notice has been validly served to him.

The petitioners seek quashing of the cognizance order dated 25.6.2013 passed by the Railway Judicial Magistrate, Patna in Patna Junction Rail PS Case No. 1 of 2013, thereby taking cognizance of the offence under Section 384/13 of the IPC.

The brief fact giving rise to the case is that the informant purchased a railway ticket at Patna Junction in the early



morning to go to Varanashi and he had purchased ticket of the super fast train. In the meanwhile North-East Express was to leave the Station and he boarded the train. Then one person came and asked for the ticket and brought him before his senior where three other T.T.E. were present and the informant identified them by their names on the nameplate and when he started leaving from there then the person who had brought him there made demand of money and forcibly took out Rs. 500/- from his pocket and also assaulted him with fists and slaps. Then he again went to his seat and after returning back from Varanashi he lodged the present case.

Learned Counsel appearing on behalf of the petitioners submits that the petitioners are TTE in the Railways. When the informant was boarding North-East Express they forbade him not to board the train because there is bar to travel by the said train to a distance less than 480 KM by North-East Express. So being aggrieved he lodged this case however there is no evidence collected during investigation in support of the allegation.

Having considered the submission and on perusal of the record, specially the case diary, there appear absence of evidence in support of the allegation by the informant, so continuance of the criminal proceeding against the petitioners would be abuse of the process of the Court.

So entire criminal proceeding inclusive of the cognizance order dated 15.6.2013 passed in Patna Junction Rail PS



Case No. 1 of 2013 pending in the Court of Railway Judicial
Magistrate, Patna is hereby quashed.

The application stands allowed.

(Arun Kumar, J.)

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