

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.46 of 2017

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1. Bhagwat Prasad Yadav Son of Siya Ram Yadav Resident of Village- Chhatapur, P.S.- Chhatapur, District-Supaul.
 2. Pushpa Devi D/o Rajendra Lal Das Resident of Village- Chhatapur, P.S.- Chhatapur, District-Supaul.
 3. Sunita Devi D/o Shivnandan Goitman Resident of Village- Chhatapur, P.S.- Chhatapur, District-Supaul.
 4. Chandan Kumari D/o laldeo Yadav Resident of Village- Shankar- Patti, Mohammadganj, P.S. Chhatapur, District- Supaul.
 5. Menka Kumari D/o Amod Yadav Resident of Village- Joripipar, P.S. Chhatapur, District- Supaul.
 6. Rubi Kumari D/o Rajendra Yadav Resident of Village- Joripipar, P.S.- Chhatapur, District-Supaul.
 7. Binod Kumar Vimal Son of Devnandan Yadav Resident of Village- Mohammadganj, P.S. Chhatapur, District- Supaul.
 8. Saroj Kumar Son of Dinesh Yadav Resident of Village-Shankarpatti- Mohammadganj, P.S. Chhatapur, District- Supaul.
 9. Pappu Kumar@Pappu Kumar Yadav Son of Deo Nandan Yadav Resident of Village-Mohammadganj, P.S. Chhatapur, District- Supaul.
 10. Amod Kumar Yadav Son of Bikan Yadav Resident of Village- Hsanpur, P.S. Chhatapur, District- Supaul.
 11. Mithilesh Kumar Son of Ramesh Yadav Resident of Village- Hasanpur, P.S. Chhatapur, District Supaul.
 12. Suman Sourabh Son of Dinesh Kumar yadav Resident of Village- Dhwaha, P.S. Chhatapur, District- Supaul.
 13. Kanchan Kumari D/o Dinesh Paswan Resident of Village- Haria, P.S. Chhatapur, District- Supaul.
 14. Manohar Kumar Son of Guneshwar Prasad Yadav Resident of Village- Dhiwaha, P.S. Chhatapur ,District- Supaul.
 15. Uday Kumar Jaiswal Son of Ram Chandra Jaiswal Resident of Village- Balbhadrapur, P.S.- Birpur, District- Supaul.
 16. Surendra Kumar Mehta Son of Ram Sharan Mehta Resident of Village- Balbhadrapur, P.S.- Birpur, District- Supaul.
 17. Kusheshwar Singh Son of Ragsheshyam Singh Resident of Village- Mathiyari, P.S. Balua, District- Supaul.
 18. Bidyanand Paswan Son of Anandi Paswan Resident of Village- Dhiwaha, P.S. Chhatapur ,District- Supaul.
 19. Binay Kumar S/o Maheshwar Singh Resident of Village+P.O. Chhatapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Superintendent of Police, Supaul.

.... Respondent/s

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Appearance :



For the Petitioner/s : Mr.Prafull Chandra Thakur
Mr. Dinesh Choudhary
For the Respondent/s : Mr. Prabhat Kumar Verma,A.A.G.3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-10-2017 Heard the parties.

The present writ application has been preferred for amalgamation of all criminal cases lodged against the petitioners in different police stations with allegations of submitting forged T.E.T. certificates to get appointment on the post of Panchayat Teacher. Prayer is for trial of all those cases by one competent court.

In para 11 of the writ application the petitioners have stated in how many cases each of the petitioners is accused. On direction of this Court, a supplementary affidavit has been filed giving details of the police station case numbers where individual petitioner is accused. One thing is clear that all the petitioners are not accused in any one case rather they are accused in different police station cases. Different courts of sub-divisional Judicial Magistrates are functioning at sub-divisional level, who tries the cases arising out of referred police stations though all the sub divisional courts are within Supaul district.

Learned counsel for the petitioners submits that some documents said to be forged one was used at different places to



get appointment as teachers for which separate criminal cases were lodged by different police stations, hence it would be unnecessarily harassing the petitioners to face the trial at different places.

On the other hand, learned counsel for the State respondents submits that there is no provision in the Code of Criminal Procedure for amalgamation of criminal cases. Moreover, analogous trial by one Criminal Court is not possible as some other co-accused, who are not party to the writ application may have reservation against transfer of their cases to some other jurisdiction. First Information Report of different cases would reveal that particular FIR was registered against several named accused, most of them are not party to the writ application for alleged forged documents produced by them for appointment in particular school. Some persons committed same act along with some other persons and for that other FIRs were registered, which are fully detailed in the supplementary affidavit filed by the petitioners. Different police stations fall within the territorial jurisdiction of different Judicial Magistrates. Therefore, convenience of some of the accused would amount to inconvenience to some other accused as well as the prosecutor to conduct separate trial for the same case at different places.



In the circumstances above I am not inclined to grant any relief to the petitioners. However, the petitioners would be at liberty to raise their grievances before the concerned trial court in view of the provisions of Sections 219 and 220 of the Code of Criminal Procedure and the trial court shall pass necessary orders in accordance with law.

With the aforesaid observation and direction the writ application stands disposed of.

(Birendra Kumar, J)

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