

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 19781 of 2013

Arising Out of PS.Case No. -71 Year- 2011 Thana -SARAI RANJAN District- SAMASTIPUR

=====

Devendra Thakur S/O Late Ramji Thakur Resident of Village Haripur
Barhetta, P.S. Sarairanjan, District Samastipur.

.... Petitioner

Versus

1. The State of Bihar.
2. Ram Prakash Thakur S/O Swarup Thakur, Cashier, Lokpriya Swangya
Sahayta Samuh Resident of Village Haripur Barhetta, P.S. Sarairanjan,
District Samastipur.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the Opposite Party/s : Mr. Anant Kumar (App)
Mr. Dilip Kumar Roy

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

10 12-07-2017 Heard Sri Sanjeev Kumar Mishra, learned counsel for
the petitioner, Sri Anant Kumar, learned Addl. Public Prosecutor
as well as Sri Dilip Kumar Roy, learned counsel for the informant.

The present petition was filed under Section 482 of
the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”), with a
prayer to quash an order dated 03-04-2013 passed by Sri Kumar
Rishikesh, learned Judicial Magistrate, Samastipur in Sarairanjan
P.S. Case No. 71 of 2011 (G.R. No. 1408 of 2011). By the said
order, petition filed on behalf of the petitioner under Section 239
of the Cr.P.C. for discharge was rejected.

Earlier, by order dated 30-11-2016, in view of



submission made by learned counsel for the informant that in the case, charges were framed, this Court had disposed of the petition, with an observation that if so advised, the petitioner may take the pleas, which were taken in the petition, at the stage of defence.

However, subsequently a modification petition, vide Cr. Misc. No. 54262 of 2016 was filed on behalf of the petitioner and it was submitted that on wrong submission made by Sri Dilip Kumar Roy, learned counsel for the informant, earlier this Court had disposed of the petition, whereas charge in the case was not framed.

Thereafter, a report was called for from the court below. The report suggested that so far as petitioner is concerned charge was not framed on the date when the present petition was disposed of i.e. on 30-11-2016. However, the report suggested that charge against other two F.I.R. named accused persons was already framed.

In this case, earlier case diary was summoned, which is on record.

Learned Addl. Public Prosecutor, in view of fact disclosed in the case diary, submits that against the petitioner, there is serious accusation than other two accused persons, against whom charges have already been framed, whereas, Sri Mishra,



learned counsel for the petitioner has stated that allegation against the petitioner is not serious than other two accused persons.

Considering the aforesaid facts and circumstances as well as the fact that charge has been framed against other two accused persons, against whom there was lesser accusation than the petitioner, there is no reason to entertain the present petition.

Accordingly, the petition stands dismissed.

(Rakesh Kumar, J.)

Anay

U		T	
---	--	---	--

