

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5830 of 2015

Arising Out of PS.Case No. -2486 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rajesh Kumar @ Rajesh Sharma @ Rajesh, son of late Mithilesh Prasad Singh, resident of village- Kaithi, P.S.- Goh, District- Aurangabad, at present A/9 housing colony, Lohiyanagar, Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Jayant Kumar, son of Sri Ramanuj Sharma, resident of village- Imliya, P.S.- Kako, District- Jehanabad, at present-Postal Park, Indra Nagar, Road No. 7/B, Kankarbagh, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Jha

For the Opposite Party/s : Mr. Satyendra Nr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioner as well as learned counsel for the State.

2. Petitioner seeks quashing of cognizance order dated 03.04.2014 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2486 of 2013 thereby taking cognizance of offence under Sections 406 and 420 of the Indian Penal Code.

3. A brief fact, as alleged in the complaint, is that complainant-O.P. No. 2 gave a friendly loan of Rs. 5,75,000/- to the petitioner before the witness on a condition to return it back within



three to four months and the petitioner also signed on non-judicial stamp paper, but thereafter changed his house and address and not returned back the money.

4. Learned counsel for the petitioner submits that in fact complainant and petitioner were on business term and they were partners and a forged signature was made on the non-judicial stamp paper acknowledging taking loan from the complainant.

5. However, there is specific allegation against the petitioner, which discloses the offence and the defence of the petitioner cannot be considered for setting aside the cognizance order inclusive of criminal proceedings. So this application stands dismissed.

(Arun Kumar, J)

Sujit/-

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