

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.9020 of 2015**

Arising Out of PS.Case No. -20 Year- 2011 Thana -BANGAON District- SAHARSA

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Dinbandhu Prasad Gupta, Son of Late Jagdish Prasad Gupta, resident of village -  
Barahi, P.S. Nauhatta, District - Saharsa

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. D.P. Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 24-08-2017**

Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The present application under Section 482 of the  
Code of Criminal Procedure has been filed by the petitioner for  
quashing the order dated 21.07.2014 passed by the learned Sub  
Divisional Judicial Magistrate, Saharsa in Special Case No.03 of  
2011 arising out of Bangaon P.S. Case No.20 of 2011 by which the  
application of the petitioner filed under Section 239 of the Code of  
Criminal Procedure for discharge has been rejected.

3. From perusal of the police report submitted under



Section 173(2) of the Code of Criminal Procedure, it would be manifest that the allegation against the petitioner is that the petitioner and three others was caught red-handed by the raiding team while they were black-marketing the food-grains supplied under Public Distribution System. The police report would further reveal that the allegations were supported by the witnesses examined in course of investigation.

4. In that view of the matter, I see no illegality in the impugned order whereby the application of the petitioner for discharge has been rejected.

5. Accordingly, the application is dismissed.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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