

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

**Criminal Miscellaneous No.44070 of 2014**

Arising Out of P.,S.Case No. -210 Year- 2011 Thana -NAWINAGAR District- AURANGABAD

- =====
1. Bindeshwar Singh son of Late Chalitar Singh, resident of village-Pandeypur, Nabinagar, District-Aurangabad.
  2. Lalit Kumar Singh son of Late Padum Singh, resident of village-Karma Misir, PS-Risiup, District-Aurangabad.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Udit Nr. Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 09-10-2017**

1. This criminal miscellaneous application under section 482 of the Code of Criminal Procedure has been filed to quash the order dated 05.04.2014 passed by the Judicial Magistrate 1st Class, Aurangabad in G.R. No. 01 of 2012 (arising out of Nabinagar Police Station Case No. 210 of 2011) whereby and whereunder the learned Magistrate rejected the petition filed under section 239 of the Code of Criminal Procedure and refused to discharge the petitioners from the offences in question.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State and perused the record.

3. Petitioners were Mukhiya and Secretary of Gram Panchayat Taul. It has been alleged that they withdrew an amount of



Rs.2,50,000/- (two lacs fifty thousand rupees) under their joint signature to construct the proposed building of Anganwari Centre as per Scheme No. 1/10-11. The present case was registered on the written report of Block Development Officer, Nabinagar. The matter was enquired and it was found that these petitioners had withdrawn the said amount much before the purchase of land over which the building was to be constructed. From the statement of witnesses recorded during investigation, I find that these petitioners did not complete the construction work and several irregularities have been found in partially constructed building. After investigation, Police have submitted charge sheet against these petitioners under sections 409, 420/34 of the Indian Penal Code. The learned Magistrate considering the material in case diary, has rightly refused to discharge the petitioners by a reasoned order.

4. In view of discussion made above, I do not find any merit in this criminal miscellaneous application. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

Mahesh/-

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