

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44130 of 2014

Arising Out of Complaint Case No. -185 Year- 2013 Thana -BIHAR District- NALANDA
(BIHARSHARIFF)

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Birendra Kumar Daradh Son of Late Ram Sundar Prasad, Resident of village-
Andar Dhawalpur, P.S.- Chowk, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. P.K. Jaiswal Son of Sri Raghunath Prasad Jaiswal, Resident of 202, Banshi
Apartment, Bhattacharya Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Chandra Sahni, Advocate
For the Opposite Party/s : Mr. H.Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 22-09-2017

1. This criminal miscellaneous application under section 482 of the Code of Criminal Procedure has been filed to quash the order dated 26.05.2014 passed by the learned Chief Judicial Magistrate, Bihar Sharif (Nalanda) in connection with Bihar Police Station Case No. 185 of 2013 whereby and whereunder the learned Magistrate finding *prima facie* case against the petitioner, took cognizance for the offences under sections 353, 448 and 504/34 of the Indian Penal Code.

2. Heard the parties and perused the record.

3. The opposite party no. 2 happens to be Divisional Forest Officer, Bihar Sharif (Nalanda), who lodged an FIR against the



petitioner alleging therein that on 19.06.2013 at 11.45 A.M., this petitioner along with 3-4 unknown suddenly entered into his official chamber and started creating trouble. He attempted to demoralise him and put pressure to get his transfer order stayed forcibly. On the basis of said report, the above case was registered and after investigation, the Police submitted charge sheet against this petitioner for the offences under sections 353, 448 and 504/34 of the Indian Penal Code. The learned Magistrate after perusing the FIR and materials in case diary, took cognizance of offence against the petitioner.

4. On going through the FIR and materials on record, I find that the learned Magistrate has rightly taken cognizance. Defence of the petitioner that he is an office bearer of the Association and he had visited in the chamber of the informant for requesting to redress his grievance cannot be taken into consideration at this stage.

5. This criminal miscellaneous application is devoid of merit and is, accordingly, dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.10.2017
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