

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35687 of 2014

Arising Out of PS.Case No. -1954 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Manoj Kumar @ Manoj Kumar Rai Son of Deo Narain Rai at Present residing
Near Metro Hospital, Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Jagdish Sah Son of Late Ganga Sah resident of Mohalla- Saket Puri, Road No.-3,
P.S.- Lohiya Nagar, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R.K.Sinha

Mr. Basant Kumar

For the Opposite Party/s : Mr. Dhananjay Prasad

For the State : Mr. Humayu Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 08-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 17.05.2014 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 1954(c) of 2011 whereby and whereunder the learned Magistrate refused to discharge the petitioner from the offence under Sections 323, 379, 420 and 504 of the Indian Penal Code.

2. Heard both sides and perused the record.

3. The facts in brief is that the Opposite Party No. 2 filed a complaint case on the file of C.J.M, Patna alleging inter alia that



this petitioner took huge amount on several occasion for getting the daughter of the complainant admitted in B.Ed College duly approved by NCTE / AICTE. The complainant along with his daughter-in-law several times visited at the Bangalore office where it was disclosed that the petitioner did not deposit the required fee in their college. The complainant has alleged that the petitioner cheated the complainant as well as several students by taking money to get them appeared in B.Ed examination. The petitioner in spite of repeated demand and legal notice neither returned the certificates nor the money and on 04.06.2011, the petitioner assaulted the complainant and obtained his signature on blank paper and also snatched Rs. 1100/-.

4. It appears that the complainant gave an amount of Rs. 35,000/- out of which 15,000/- was given as per demand draft and Rs. 15,000/- was deposited in his account and Rs. 5000/- in cash. The petitioner realized huge amount on different occasion also. The complainant along with his daughter-in-law visited to Bangalore where it was reported that the daughter-in-law of the complainant was not admitted in the college. The complainant on S.A. and other witnesses supported the allegation of taking money on the pretext of getting her admitted in B.Ed College. The petitioner neither returned the money nor the educational certificates and on the date



of occurrence, the complainant was assaulted by fist and slaps. The learned Magistrate finding sufficient material against the petitioner has rightly refused to discharge him from the offence in question.

5. In view of the above fact, I do not find any merit in this application. This application is accordingly dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
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