

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13976 of 2012

Arising Out of PS.Case No. -72 Year- 2011 Thana -null District- BHABHUA (KAIMUR)

=====

1. Chandra Bhushan Singh S/O Rampati Singh Resident Of Village- Shivrampur,
P.S.- Chand, Distt.- Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Vivek Kumar Singh, Adv.

For the State : Mr. Sunil Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-01-2018

Heard learned counsel for the petitioner and the State.

This petition has been filed for quashing the order dated 21-01-2012 passed by learned Chief Judicial Magistrate, Kaimur at Bhabua in G.R. Case No. 1656 of 2011 arising out of Chand P.S. Case No. 72 of 2011 whereunder and whereby, the learned Magistrate has taken cognizance against the petitioner for offence under Sections- 417, 420, 406, 353 of the Indian Penal Code.

The informant (Block Development Officer, Chand) has filed written report leveling allegation against this petitioner that he used to work as middleman in distribution of Indira Awas Yojana and he caused obstruction in discharging of official duty to Mukhiya of the Panchayat. The Photography and videography of the aforesaid allegation has also been done.



The FIR has been lodged on the basis of petition filed by the Mukhiya of the Panchayat before the Block Development Officer. The police has after investigation found the allegation true against the petitioner and the charge sheet has been submitted under Sections-417, 420, 406, 353 of the Indian Penal Code.

The court below on the basis of charge sheet submitted by the police has taken cognizance under Sections-417, 420, 406, 353 of the Indian Penal Code.

The Case diary has been received.

Learned APP has submitted that witnesses in different paragraphs of the case diary have supported the allegation against this petitioner, who misbehaved with the Mukhiya of the Panchayat and caused obstruction in the work.

The court below is only required to see prima facie case at the time of taking cognizance.

Therefore, this court does not find any illegality in the order dated 21-01-2012 passed in G.R. Case No. 1656 of 2011 arising out of Chand P.S. Case No. 72 of 2011

Accordingly, this Cr. Misc. application stands dismissed.

The petitioner is at liberty to raise all the points as raised in this petition at the time of framing of charge, which shall be considered by the learned court below in accordance with law without



being prejudiced by this order.

(Sanjay Priya, J)

A.K.V./-

,AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23-01-2018
Transmission Date	23-01-2018

