

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32456 of 2016

Arising Out of PS.Case No. -201 Year- 2012 Thana -BANKA District- BANKA

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1. Bindeshwari Prasad @ Bindeshwari Prasad Yadav, son of Late Bodhi Prasad Yadav, resident of Village, P.S. and District: Saharsa
 2. Rani Bahadur Prasad Rai @ Rai Bahadur Prasad Rai, son of Ghanshyam Prasad Yadav, resident of Village, P.S. and District: Saharsa
 3. Rabindra Kumar son of Satendra Narayan Yadav @ Satya Narayan Yadav, resident of Village, P.S. and District: Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sachidanand Mishra, Assistant Engineer, Road Sub-Division, Banka, son of Jitendra Narayan Mishra, resident of Mohalla: Kast (town), near Bajla Chowk, P.S: Deoghar Town, District Deoghar (Jharkhand)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate.
For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 06-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 08.09.2014/13.3.2014 passed by learned Chief Judicial Magistrate, Banka, in Banka P.S. Case No. 201 of 2012 by which the learned Magistrate took cognizance against the petitioners and other accused persons for the offences under Section 3 of Prevention of Damage to Public Property Act.

2. Heard learned counsel for the petitioners and learned counsel for the State.

3. Counsel for the petitioners submits that in the



written report there is no specific ingredient of overloading of sand carried by the petitioners on his truck and of causing damage to the road.

4. In the written report there is allegation that on the date of occurrence, the officials of District Banka raided the place of occurrence and found several trucks were indulged in carrying the sand in illegal manner and were seized on account of overloading. The vehicle of this petitioner has also been seized.

5. Police after investigation has submitted charge sheet against the accused persons including petitioners.

6. The court below on the basis of charge sheet submitted by the police has taken cognizance against the petitioner along with other accused persons. These petitioners are said to be the owner of the seized trucks.

7. Therefore, this Court does not find any illegality in the impugned order.

8. This Criminal Miscellaneous application is accordingly dismissed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10/09/2018
Transmission Date	10/09/2018

