

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7707 of 2018

Arising Out of PS. Case No.-120 Year-2010 Thana- SURSAND District- Sitamarhi

Chandra Bhushan Kumar, Son of Late Laxman Mahto, Residents of Village-
Birraikh, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 26-06-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This petition has been filed under Section 482 Cr.P.C.
for quashing the order dated 01.04.2017 passed by S.D.J.M.,
Purpri, Sitamarhi in T.R. No. 5797 of 2017 arising out of
Sursand P.S. Case No. 120 of 2010 whereby the learned
Magistrate has taken cognizance against the petitioner under
Sections 408 and 411/34 of the Indian Penal Code.

In the written report there is allegation that one Indal
Mandal informed the informant on mobile that five bags of rice
of mid-day meal are being taken for black market. The
informant reached the school and inquired from senior teacher
Chandra Bhushan Kumar (petitioner) who disclosed that these



bags of rice are kept to be sold to Ram Bhagat Panjiyar. The informant reached the house of Ram Bhagat Panjiyar and found five bags of rice of mid day meal.

The Court below by order dated 01.04.2017 has taken cognizance against this petitioner and other accused persons on the basis of charge-sheet submitted by the police for the offence under Sections 408 and 411/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is no material against this petitioner in the case diary. The proceeding against other co-accused has already been quashed by this Court by order dated 11.12.2017 passed in Cr. Misc. 42362 of 2017. From the impugned order itself, it appears that there is no allegation against this petitioner of committing any overt act. It is only alleged that matter was enquired from this petitioner who told that bags of rice was kept to be sold to Ram Bhagat Panjiyar. It is mentioned in the written report that rice has been recovered from the house of Ram Bhagat panjiyar.

Therefore, the impugned order dated 01.04.2017 passed by S.D.J.M., Pupri, Sitamarhi in T.R. No. 5797 of 2017 arising out of Sursand P.S. Case No. 120 of 2010 along with entire criminal proceeding with respect to this petitioner is quashed.



This Cr. Misc. petition is allowed at the admission
stage itself.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

