

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.47466 of 2014**

Arising Out of PS.Case No. -917 Year- 2009 Thana -COMPLAINT CASE  
District- BANKA

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Pramod Prasad Jha, Son of Late Satyadeo Jha, Resident of  
Village - Bijay Nagar, Ward No. 84/19, P.S. Banka, District -  
Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar.
  2. Binod Jha, Son of Late Satyadeo Jha.
  3. Shanker Kumar Jha, Son of Late Satyadeo Jha.
- O.P. No. 2 is resident of Babu Tola, O.P. No. 3 is resident of  
Vijay Nagar, Ward No. 4, P.S. & District-Banka.
4. Arbind Kumar Ghosh, Son of Late Satish Chandra Ghosh,  
resident of Registry Office, P.S. and District-Banka.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the State : Mr. Ashraf Ansari (APP)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

4    03-04-2018                      The petitioner has challenged the order dated  
17.05.2014, passed by the learned Chief Judicial Magistrate,  
Banka in connection with Complaint Case No. C-917 of 2009,  
whereby cognizance under Sections 467, 468, 471, 420 and  
120(B) of the Indian Penal Code has only been taken against



the accused/Chandravati Devi and not against the opposite party Nos. 2, 3 and 4.

It appears that initially a complaint was lodged by the petitioner for the aforesaid offences, arraigning the opposite parties as accused persons. The aforesaid complaint was sent under Section 156(3) of the Code of Criminal Procedure, 1973 for institution of a regular case, whereafter a case *vide* Banka P.S. Case No. 458 of 2008 was registered for investigation for the aforesaid offences. The police, after investigation, submitted final report false. However, the petitioner lodged a protest/complaint, which was treated as a complaint and by the order impugned, cognizance has been taken against one of the accused persons, referred to above.

From the perusal of the complaint petition, the deposition of the witnesses offered on behalf of the petitioner and other materials, no case appears to have been made out against the opposite party Nos. 2, 3 and 4. The petitioner should be content with the case being proceeded against one of the accused persons, *viz.* Chandravati Devi.

This Court refrains from making any comment with respect to the case of aforesaid Chandravati Devi, as she has not approached this Court against the order of cognizance.

In any view of the matter, no interference is



called for, so far the opposite parties are concerned.

The present petition, being misconceived, is dismissed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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