

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36717 of 2016

Arising Out of PS.Case No. -17 Year- 2011 Thana -PALASI District- ARRARIA

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1. Masoom Raza S/o Haji Ziaur Rahman, Resident of Village- Mirzapur,
P.S. Raniganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Vilash Singh, S.H.O. Palasi Police Station, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-08-2018 Heard the learned counsel for the petitioner, the

informant as well as the State.

The petitioner seeks quashing of order dated
12.09.2012 passed by learned Chief Judicial Magistrate, Araria in
Palasi P.S. Case No. 17/2011, whereby the court below has found
prima facie case for offences under Sections 420, 406, 409, 120B,
467, 468 and 384 of the Indian Penal Code.

In the written report, it is alleged by informant that the
Investigating Officer of Palasi P.S. Case No. 30/3009 during course
of investigation learnt that government money of different schemes
was deposited in Dehti PACCS. Manager of this PACCS, namely,
Rudranand Jha in conspiracy with other PACCS Chairman and
employees of different PACCS including the petitioner withdrew the
amount of government money from different nationalized Co-



operative Banks and embezzled the same.

The police after investigation submitted charge-sheet against this petitioner. The court below took cognizance on the basis of charge-sheet.

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

The court below has after looking into allegation in the written report and case diary found prima facie case against the petitioner.

Therefore, this Court does not find any illegality in the impugned order dated 12.09.2012 passed by learned Chief Judicial Magistrate, Araria.

Accordingly, the Criminal Miscellaneous is dismissed.

The petitioner is given liberty to raise all the points as raised in this petition at appropriate stage of trial including at the time of framing of charge, which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J.)

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