

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29458 of 2015

Arising Out of PS.Case No. -106 Year- 2004 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

=====

Bindeshwar Paswan son of Late Saudagar Paswan, resident of village- Begampur,
Tola- Nathachak, P.O. + P.S.+District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Santosh Paswan @ Nipun Paswan, son of Chalitar Paswan
3. Anil Paswan son of Chalitar Paswan,
Both are resident of village- Meh딘agar, P.O. + P.S. + District- Nalanda

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate
For the Opposite Party/s : Smt. Renuka Sharma, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 05-01-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 24.03.2015 passed by the learned 5th Additional Sessions Judge, Nalanda at Biharshariff in Cr. Revision No.19 of 2012 whereby the revision preferred by the petitioner against the order dated 16.12.2011 passed by the learned Judicial Magistrate, 1st Class, Biharshariff, Nalanda in Noor Sarai (Nalanda) P.S. Case No.106 of 2004 has been dismissed.

2. The contention of the petitioner before the learned Magistrate was that in place of accused Santosh Paswan @ Nipun



Paswan his brother Anil Paswan had surrendered in the case and had furnished bail bond in connection with Noor Sarai (Nalanda) P.S. Case No.106 of 2004.

3. The learned Magistrate, after hearing the parties, found the complaint made by the petitioner to be frivolous and, thus, rejected his application. When the said order was challenged in revision, the revisional court also found no substance in the submissions made by the petitioner.

4. There is no material before the Court on the basis of which it can be said that in place of Santosh Paswan @ Nipun Paswan one Anil Paswan had appeared before the court and was enlarged on bail and had furnished bail bond as directed by the court. Moreover, this application under Section 482 of the Cr.P.C. is in the nature of second revision, which is barred under Section 397(3) of the Cr.P.C.

5. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.01.2018
Transmission Date	08.01.2018

