

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.624 of 2016

Arising Out of PS. Case No.-328 Year-2011 Thana- MAJHAULIA District- West Champaran

Archana Srivastava, Wife of Prabhat Kumar Srivastava, resident of Village-
Bahuarwa, Police Station- Manjhaulia, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. Sanjay Kumar, The Block Development Officer, Manjhauliya Block,
District- West Champaran at Bettiah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Advocate

For the Opposite Party/s : Mr. S.N.Shukla (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 10-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 16.12.2013 passed by the C.J.M., West Champaran at Bettiah in connection with Manjhaulia P.S. case no. 328 of 2011 by which learned Magistrate has taken cognizance for the offence under Sections 419, 420, 421, 423, 467, 468, 471, 120B and 34 of the IPC against the petitioner and others.

Heard learned counsel for the petitioner and State.

Learned counsel for the petitioner has submitted that mere suspicion has been raised in the written report against the petitioner. It is further submitted that police, after investigation, submitted charge-sheet in the case. Thereafter, cognizance has been taken by the learned Magistrate.



It is alleged in the written report filed by the B.D.O., Manjhaulia that on the basis of enquiry report of the Executive Officer that bungling has taken place in the allotment of Indira Awas Yojana in Gram Panchayat, Bahuarwa, it was found that the then Panchayat Secretary, Paras Sah, Gram Panchayat Supervisor, Shiv Shankar Ram, Block Welfare Officer, Shiv Shankar Prasad, Block Agriculture Officer, Awadhesh Kumar Singh, Ravi Kumar, Clerk and this petitioner, Mukhiya of the Gram Panchayat were involved. It is further alleged that family survey list was changed in the Panchayat and the tampered family list has been incorporated in the Panchayat. The police after investigation submitted charge-sheet against the petitioner and others.

The Court below is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court, at this stage, after looking into the allegation in the written report and the impugned order, is not inclined to interfere with the same.

This Cr. Misc. petition is, accordingly, dismissed.

The petitioner is given liberty to raise all the points, as raised in the present application, at the time of framing of charge, which shall be considered and disposed off by the



learned court below in accordance with law without being
prejudiced by this order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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