

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37345 of 2016

Arising Out of PS.Case No. -477 Year- 2015 Thana -KOTWALI District- PATNA

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Mahabir Pandit & Anr

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshuman

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 27-08-2018 Heard the learned counsel for the petitioners, the informant and the State.

The present petition has been filed for quashing the order dated 30.04.2016 passed by learned Chief Judicial Magistrate, Patna in Kotwali P.S. Case No. 477/2015, whereby the court below has found *prima facie* case for offence under Section 420 of the Indian Penal Code and Section 138 of N.I. Act.

It is alleged in the written report that one Subodh Kumar Nirala, son of petitioner no. 1, took loan of Rs. 14,00,000/- for running his I.T.I. Institute which was being run by his father Mahabir Pandit (petitioner no. 1). It is further alleged that son of Petitioner no. 1, namely, Subodh Kumar Nirala gave security of Rs. 25 lacs and also gave cheques of Rs. 20 lacs. When those cheques were produced in the Bank, the same bounced.



Learned counsel for the petitioners has submitted that the entire transaction has been done between the complainant and son of petitioner no. 1. Cheques have also been issued by son of petitioner no. 1.

Learned counsel for O.P. No. 2 has submitted that these petitioners were running the aforesaid institute and the son had arranged finance for the institute. It is submitted that said cheques were given in presence of these petitioners. It is further submitted that the petitioners have misused the privilege granted by the court below at the time of grant of bail wherein they had accepted to make payment of the amount in installment but after getting provisional bail, he has not made payment of the amount. O.P. No. 2 has brought relevant order passed by the court below dated 05.07.2016 which is enclosed as Annexure-B to the I.A. Petition filed on behalf of O.P. No. 2 on 03.08.2018.

The police after investigation found the allegation true and submitted charge-sheet against petitioners. The court below has also taken cognizance against the petitioners on the basis of charge-sheet.

This Court does not find any illegality in the impugned order dated 30.04.2016 passed by learned Chief Judicial Magistrate, Patna in Kotwali P.S. Case No. 477/2015.



Accordingly, the Cr. Misc. petition is dismissed.

The court below is directed to proceed with the trial
in accordance with law.

(Sanjay Priya, J.)

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