

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1842 of 2016

Arising Out of PS.Case No. -528 Year- 2007 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rishikesh Kumar, S/o Ram Lakhan Rai, r/m-Sultanpur, P.O. and P.S.-
Danapur, District-Patna.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar

For the Opposite Party/s : Mr. P.K.Choursiya(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 10-09-2018 Heard the learned counsel for the petitioner, the O.P.

No. 2 as well as the State.

The present petition has been filed against order dated
07.06.2007 passed by learned Judicial Magistrate 1st Class, Patna in
Complaint Case No. 528(C)/2007, whereby the court below has
found *prima facie* case against petitioner under Sections 420, 423/34
and 120B of the Indian Penal Code.

Learned counsel for the O.P. No. 2 has submitted that
the petition filed by one of co-accused, namely, Ramkrishna Bhagat
(accused no. 2 in the complaint petition) has already been rejected
vide order dated 06.04.2012 passed in Cr. Misc. No. 24401/2009.

This Court after looking into impugned order finds
that the court below after holding enquiry on the basis of allegation
in the complaint petition and S.A. of complainant as well as



statement of witnesses found *prima facie* case against the petitioner and other accused person.

In view of such, this Court does not find any illegality in the impugned order.

Accordingly, the Cr. Misc. petition is dismissed.

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

(Sanjay Priya, J.)

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