

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12500 of 2015

Arising Out of PS. Case No.-45 Year-2014 Thana- POTHIIYA District- Kishanganj

Pradeep Kumar Bosak S/o Kishto Bosak R/o Village Panasi, P.O. Panasi Hat,
P.S. Pahar Katta, District Kishanganj.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Vijay Kumar Bosak S/o Premanand Bosak R/o Village Panasi, P.O. Panasi Hat, P.S. Pahar Katta, District Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.J.Upadhyayapp

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 15-11-2019 Heard Mr. Sharda Nand Mishra, learned

advocate for the petitioner and Mr. Jharkhandi Upadhyay

for the State.

The petitioner has challenged the order dated

06.05.2014 passed by the learned Judicial Magistrate,

1st Class, Kishanganj in connection with Pothia P.S. Case

No. 45 of 2014, whereby cognizance has been taken

under Sections 419, 420, 467, 468 and 472 of the

Indian Penal Code.

It appears that this case was taken up for

admission in the first instance on 18.06.2019, when



notice was issued to opposite party no. 2 and further proceedings before the court below was stayed. There does not appear to be any material to indicate as to what was the stage of the case on the date when notice was issued and stay was granted. This case has been listed without any report of service of notice on opposite party no. 2.

I have perused the accusation levelled in the FIR. The allegation against the petitioner is of having obtained two certificates of two different castes which could have given him benefit in procuring job.

Learned counsel for the petitioner has shown to this Court an application made by him for setting aside one such caste certificate, which request was even allowed.

However, considering the fact that the order taking cognizance was passed in the year 2014 and without the petitioner informing this court about the stage of the case, this Court deems it appropriate to



reject this petition but with a liberty to the petitioner to approach the court below to prefer a petition for discharge, if so advised, if such a petition has already not been filed and disposed of.

Should, in that event, such an application be filed, the court below shall look into all the facts which have been urged in the present petition and shall pass a reasoned order in accordance with law.

This order would be implemented only if the case has not travelled beyond the stage of cognizance. If the trial has begun, the trial court shall make endeavours to conclude the same as early as possible.

With the aforesaid direction/observation, the petition is disposed of.

(Ashutosh Kumar, J)

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