

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66608 of 2018

Arising Out of PS. Case No.-12 Year-2017 Thana- CHHATAPUR District- Supaul

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1. Dilip Singh S/o Nitya Nand Prasad Singh@ Nitya Nand Singh
 2. Deo Narayan Sardar S/o Janak Sardar Both are R/o Village Girdharpatti, Gram Panchayat Sohata, P.S. Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sri Sanjay Kumar Son of Madan Prasad Resident of Village P.O.- Jagdishpur, District Bhojpur, Branch Manager, Bihar State Co-Operative Bank, Bihat, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Sri Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-12-2019 This application has been filed for quashing of the order dated 09.04.2018 passed by A.C.J.M.,-4th, Supaul in Chatapur P.S. Case NO. 12 of 2017 (G.R.No. 121 of 2017), whereby and where-under the learned Magistrate has taken cognizance of the offence under Sections 406, 420 of I.P.C. and issued summons to the petitioners.

As per F.I.R. there is allegation against the petitioners is that petitioners being the Ex-Chairman, they have defalcated the amount of Rs. 18,10,454/-. It appears that charge sheet has been submitted and cognizance has been taken. The learned counsel raised several points including that purchasing power is



in his favour issued by the Bihar Co-operative Officer as well as the order of this Hon'ble Court in L.P.A. No. 55 which does not show the petitioners are responsible for such losses.

However, after some argument learned counsel for the petitioner seeks permission to withdraw this application to enable to raise these points at the time of framing of charge, will be considered and disposed off by the learned Magistrate with reasoned order.

With the aforesaid, this application is disposed of with liberty to the petitioners to raise their points at the time of framing of charge or an appropriate stage, which will be considered by Trial Court and disposed of by a reasoned order.

(Vinod Kumar Sinha, J)

Rahul Mishra/-

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