

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 47199 of 2014

Arising Out of P.S. Case No.-211 Year-2010 Thana- GOPALGANJ TOWN District-
Gopalganj

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Rakesh Kumar Dubey S/o Chandra Bhushan Dubey, resident of Village- Nonya Patti, P.S.- Siswan, District- Siwan, Working Assistant Junior (Now Dismissed from Service) worker First/Cashior Saharsa India, Sector Office, Chandra Gokhula Road, Gopalganj, District- Gopalpur.

.. ... Petitioner/s

Versus

1. The State of Bihar
2. Alok Chandra, S/o Bachha Prasad Singh, R/o Village- Shankar Chouk, Amghatta Road, Dumra, P.S.- Dumra, District- Sitamarhi, Present Sahara India Sector Office, Sector Manager Worker, Gopalganj, P.S.- Town Gopalganj, District- Gopalganj.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Mr. Anil Kumar Tiwary and Mr. Akshansh Ankit, Advocates
For the Opposite Party No. 2	:	Mr. U. P. Singh, Sr. Advocates Mr. Manish Kumar Singh and Ms. Riti Jaiswal, Advocates

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 19-06-2019

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the opposite party no. 2.

2. The petitioner has moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:

“That the present application is being filed before this Hon’ble Court for quashing the order dated 8.02.2013 passed by the Court of J.M. 1st Class, Gopalganj in Trial No. 2765/14 (in connection with Gopalganj P.S. Case No. 211/2010) whereby and whereunder the learned Magistrate took the cognizance against the petitioner for offences under sections 420, 406, 467, 468 and 471



of the Indian Penal Code on the basis of non-est ground.”

3. After some arguments, learned counsel for the petitioner submitted that the matter be disposed off with liberty to raise all points available to him before the Court concerned at the appropriate stage, which shall be considered in accordance with law.

4. Having regard to the aforesaid, the application stands disposed off with liberty aforesaid.

5. The petitioner shall be at liberty to file an application before the Court below in accordance with law at the appropriate stage, which shall be considered on its own merits without being prejudiced by the present order.

6. Further, the Court would be obliged to consider all the points raised by the petitioner including those in the present application and after considering the same, in accordance with law, an order shall be passed on the petition/application which may be filed by the petitioner.

(Ahsanuddin Amanullah, J.)

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