

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1499 of 2017

Arising Out of PS. Case No.-15 Year-2016 Thana- DARIHAT District- Rohtas

Shankar Singh son of Ramdeo Singh @ Titar Singh, resident of Village-
Majhiyaon, P.S.- Darihat, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Narendra Prasad Son of Late Sukhi Sao Resident of Mohalla- Rajputan, P.S.-
Dihri, Dist.- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Kumar Singh, Adv
For the State	:	Mr. Sunil Kumar Pandey, APP
For the OP No.2	:	Mr. Nagendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 09-05-2019 Heard learned counsel for the petitioners, learned
counsel for the OP No. 2 as well as learned APP.

2. Petitioner is aggrieved by an order dated
16.08.2016 whereby and whereunder he has been summoned to
face trial for an offence punishable under Sections 406, 420,
467, 468, 420B of the IPC by Sri Dhirendra Kumar, learned
Judicial Magistrate-1st Class, Dehri-on-Sone in connection with
Darihat PS Case No. 15/2016.

3. O.P. No.2 had filed written report disclosing
therein that while he was running rice mill named and styled as
Maa Kamakhya Rice Mill at Berkap, at the instance of Shankar
Singh (petitioner) he shifted the same to the place of Shankar



Singh in the year 2014 and in due course of time, Shankar Singh overpowered the same and lastly forced him to leave the place.

6. Learned counsel for the petitioner has submitted that there happens to be specific disclosure in the written report itself that petitioner was running a rice mill at Majhiyaon and so, there was not occasion for the petitioner to request the informant, Narendra Prasad to shift the rice mill from Berkap to Majhiaon. It has also been submitted that all the allegations whatever been alleged at the end of the informant happens to be false and fabricated. Also submitted that all the relevant documents regarding installation, running of rice mill owned by the petitioner and being cared by his wife under the name and style of Mahadeo Rice Mill substantiating the case of the petitioner and so, the order impugned did not justify its prevalence.

5. The learned APP as well as learned counsel for the OP No.2 controverted the same. It has further been submitted that in a pre-planned manner, informant was duped whereunder petitioner succeeded in persuading to shift the location of rice mill from Berkap to Majhiyaon and, after running of rice mill for some time, lastly, the petitioner has engulfed.

6. The transaction amongst the parties on its face



suggests a business rivalry but, when the certain documents have been gone through, from Letter No. 781 dated 01.07.2016 issued by Executive Engineer to the O/C in response to the letter having at the end of O/C during course of investigation speaks otherwise. However, subject to verification and which could be only at the stage of trial.

7. In the aforesaid background, the order impugned could not be interfered with. Consequent thereupon, instant petition lacks merit and is, accordingly, dismissed.

(Aditya Kumar Trivedi, J)

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