

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11649 of 2021

Arising Out of PS. Case No.-654 Year-2017 Thana- HILSA District- Nalanda

Ramashish Prasad S/O Sidheshwar Prasad R/O Village-Khirauna, P.S.-Rahui,
District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and

learned A.P.P for the State.

The present application has been filed for quashing the order dated 03.07.2019 passed by the learned Sub-Divisional Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. Case No. 654 of 2017, whereby and whereunder, cognizance has been taken against the petitioner under Sections 420, 120(B) of the Indian Penal Code and Section 7 of the Essential Commodities Act.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has



committed no offence and he has been falsely implicated in this case. The petitioner was not named in the F.I.R and the case was lodged against co-accused persons but during investigation the name of the petitioner also sprang up on the ground that out of recovered 31 bags of rice, 10 bags of rice was loaded in the upgraded middle school, Pachrukhiya in which school the petitioner was posted as Headmaster.

This Court has gone through the entire materials available on record. It is apparent that charge-sheet has been submitted finding the case true as against the petitioner and from perusal of the impugned order dated 03.07.2019, it appears that learned Magistrate has specifically mentioned the paragraphs of the case diary in which the evidence against the petitioner is available.

This Court finds no illegality in the impugned order as learned Magistrate is well within the jurisdiction to take cognizance, if, he, *prima facie*, finds the case



true against the petitioner. Hence, this Court is not inclined to interfere at this stage. However, the petitioner shall be at liberty to raise all the contentions at the time of framing of charge, if the charge has already not been framed.

With the aforesaid observation/direction, the application stands disposed off in connection with Hilsa P.S. Case No. 654 of 2017.

(Sunil Kumar Panwar, J)

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