

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9055 of 2020**

Arising Out of PS. Case No.-6 Year-2009 Thana- NARKATIYAGANJ RAIL P.S. District-  
West Champaran

MANAN MISHRA @ MANAN KUMAR MISHRA S/o Late Sheo Chandra  
Mishra Resident of Village- Tiwari Kharaya, P.S.- Kuchaikote, Distt-  
Gopalganj.

... .. Petitioner.

Versus

1. The State of Bihar
2. Union of India through Ministry of Railway, Muzaffarpur Zone. Bihar

... .. Opposite Parties.

**Appearance :**

|                      |   |                                                                           |
|----------------------|---|---------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ramakant Sharma, Senior Advocate<br>Mr. Sanjay Kumar Pandey, Advocate |
| For the Railway      | : | Mr. Priya Ranjan, Advocate                                                |
| For the State        | : | Mr. Awadhesh Kumar Singh, APP                                             |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

30    03-11-2022                      Heard Mr. Ramakant Sharma, learned senior counsel  
assisted by Mr. Sanjay Kumar Pandey, Advocate, Mr. Priya  
Ranjan, for the Union of India and learned APP for the State.

The present application under Section 482 of the  
Criminal Procedure Code has been preferred on behalf of the  
petitioner for quashing the order dated 30.01.2020 passed by the  
learned Railway Judicial Magistrate, Bettiah in Tr. No.132 of  
2019, arising out of Narkatiyaganj Rail P.S. Case No.06 of 2009  
by which the learned Magistrate has taken cognizance for the  
offences punishable under Section 171 F of the Indian Penal  
Code and Section 3 of the Defacement of Property Act.

The prosecution case, in brief, is that the complainant



gave a written report before the S.H.O., Ram Nagar on 10.04.2009 alleging therein that during the course of patrolling, poster of B.S.P. candidate (Petitioner) was found in the premises of Hari Nagar Railway Station, which is a case of violation of code of conduct.

Learned senior counsel for the petitioner submits that the petitioner has no knowledge that who had put that poster in the premises of Hari Nagar, Railway Station. He further submits that the informant has given a colour of criminal offence to wreak vengeance against the petitioner at the instance of his enemies. There is nothing on record to establish that alleged poster was pasted by the petitioner or his men. It might be the conspiracy of his opponents. He further submits that during the period of election, some similar type of cases had been instituted against the petitioner at the instance of ruling party and his opponents and this Hon'ble Court has been pleased the quashed the similar types of cases against the petitioner i.e. Cr. Misc. No.37512 of 20212, Cr. Misc. No.48445 of 20212 and Cr. Misc. No.24817 of 2013.

Having considered the submissions and the nature of allegation, this application is allowed and the order of cognizance dated 30.01.2020 passed by the learned Railway



Judicial Magistrate, Bettiah in Tr. No.132 of 2019, arising out of  
Narkatiyaganj Rail P.S. Case No.06 of 2009 is hereby set aside.

**(Anjani Kumar Sharan, J.)**

Trivedi/-

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