

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11712 of 2021

Arising Out of PS. Case No.-1607 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Nand Kishore Prasad Nirala Son of Late Janki Paswan The then Circle Officer, Sampatchak, Circle Office, P.S.- Gopalpur, District- Patna, A/P- Circle Officer, Bhagwanpur, P.S.- Bhagwanpur, District- Vaishali, Resident of Bhegnpura, P.S.- Noorsarai, District- Nalanda
 2. Vinay Sheel @ Vinay Singh Son of Late Laxman Prasad Sharma The then Circle Inspector, Sampatchak, Circle Office, P.S.- Gopalpur, A/P - Circle Inspector, Fatuha Circle Office, P.S.- Fatuha, District- Patna, Resident of - Flat No. 101, Damyanti Kunj, Thana Road, Budha Colony, P.S.- Budha Colony, District- Patna
 3. Rajeev Ranjan Son of Late Lalan Prasad The then Revenue Clerk, Sampatchak, Circle Office, P.S.- Gopalpur, District- Patna. A/P - Revenue Clerk, Patna Sadar, P.S.- Gandhi Maidan, District- Patna, Resident of - South Ashok Nagar, Road No. 8 (A) 3, Near St. Johns School, Kankarbagh, P.S.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arshad Hashmi Son of Late Md. Salim Hasmi Resident of - Mogalpura, Fauzdari Kuan, P.S.- Khajekala, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

This present application has been filed for quashing
of the impugned order dated 07.12.2019 passed by the learned
Sub Judge-IX-cum-ACJM Patna whereby and whereunder the
cognizance has been taken against the petitioners under Sections



420/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have committed no offence and they have falsely been implicated in this case.

This Court has gone through the entire materials available on record. It is apparent that after completing the investigation, chargesheet has been submitted against these petitioners.

This Court finds no illegality in the impugned order as learned Magistrate is well within the jurisdiction to take cognizance, if , prima facie, finding the case true against the petitioners. Hence, this Court is not inclined to interfere the order at this stage. However, the petitioners 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 Complaint Case No.1607 (C) of 2018.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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