

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33422 of 2021

Arising Out of PS. Case No.-46 Year-2018 Thana- BAIRIYA District- West Champaran

Suresh Rout @ Suresh Raut @ Suresh Prasad S/O Late Jatta Rout @ Jata Prasad R/O Mohalla- Raj Devdi, Raj Compund, Bettiah, Near Bhawani Mandap, P.S.- Bettiah (Town), Post Office- Bettiah, District- West Champaran At Bettiah

... .. Petitioner

Versus

1. The State of Bihar
2. Ramdev Mahto S/o Late Sukdev Mahto R/o village- Malahi Tola, P.S.- Bairiya, District- West Champaran at Bettiah

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Upadhyay Saurabh Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned APP for the State.

This application has been filed seeking quashing of the order dated 25.09.2020 passed in G.R. No. 509 of 2018 arising out of Bairiya P.S. Case No. 46 of 2018 by learned Sub-Judge-V-cum-Additional Chief Judicial Magistrate-III, Bettiah, West Champaran by which cognizance against the petitioner under Sections 406 and 420 of the Indian Penal Code has been taken.

As per the prosecution story, on development of intimacy between the informant and the petitioner, in the month of



July of 2017 the petitioner offered the informant to arrange Rs.50,000/- for settlement of land at Dolbagh Hazari, Bettiah with the help of Manager of Bettiah Estate. In the month of August of 2017, the petitioner came to the house of the informant and the informant gave him Rs.50,000/- for which no paper was prepared. The informant alleged that neither any land has been settled in his name nor his money was returned.

A perusal of the present application shows that the main contention of the petitioner is that the informant has himself stated in the FIR that no paper regarding demand of Rs.50,000/- has been prepared.

In the opinion of this Court, at this stage, when the allegations made in the FIR have been substantiated in course of investigation and a prima-facie case is made out, this Court in exercise of its power under Section 482 IPC would not embark upon conducting a mini trial as regards the allegations. No case for interference with the impugned order is made out.

The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

