

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10712 of 2021**

Arising Out of PS. Case No.-246 Year-2010 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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AWDHENDRA KUMAR @ AWDHENDRA KUMAR VERMA, Son of
Dwarika Prasad, Resident of Village - Samnahuya, P.S.- Harnaut, District -
Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Ajay Kumar Singh, Son of Yogendra Prasad Singh, Resident of Village -
Chhatiyana, P.S.- Harnaut, District - Nalanda.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking setting
aside of the order dated 17.03.2020 and 29.05.2019 passed in
Criminal Revision No. 195 of 2019 and Complaint Case No.
246(C) of 2010 by the learned Sessions Judge, Nalanda and the
learned A.C.J.M. 5th, Biharsharif, Nalanda respectively by which
the learned Revisional Court has not interfered in the order
dated 29.05.2019 passed in Complaint Case No. 246(C) of 2010
by the learned trial court without considering the relevant facts
and circumstances and without applying judicial minds.

Learned counsel for the petitioner submits that there



was no material before the learned court below to frame the charge against the petitioner. The petitioner had filed a petition under Section 245 Cr.P.C., a copy of which has been enclosed as Annexure '3' to the present petition but the same was rejected vide impugned order dated 29.05.2019.

It is further submitted that the revision application preferred against the order framing charge has also been dismissed. It is his submission that there is no eye-witness to the alleged occurrence and no independent witness has supported the allegations. According to him, this case is as a result of internal rivalry between the two groups of the school management.

On the other hand, learned A.P.P. submits that on a bare perusal of the complaint petition and the impugned orders, it may be found that there are allegations against the petitioner that having been authorised on behalf of the management committee of the school to purchase a piece of land for the school and having received the money for that purpose from the school funds, the petitioner got the sale deed executed in his own name and after some time he sold the said land for his own benefits.

Be that as it may, on reading of the order of the



revisional court, this Court finds no perversity in the revisional order, therefore, considering the scope of Section 482 Cr.P.C. against the revisional order, this Court finds no reason to interfere with the same.

The prima-facie material on the basis of which earlier cognizance was taken and then at this stage, finding sufficient materials of framing of charge, the learned court below has rightly rejected the petition filed on behalf of the petitioner to discharge him, this Court finds no error in the impugned orders.

This 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'.

