

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43284 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- NAGAR District- Vaishali

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Amardeep @ Phoolan Son of Late Hari Nandan Prasad Sinha @ Nandan Prasad Sinha Resident of Village - Baghmali, P.S.- Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjani Kumar Singh, Inspector-cum- S.H.O. Town Police Station Hajipur, Town P.S. District- Vaishali Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Vasant Vikas, Advocate
For the Opposite Party/s :	Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioner and learned APP for the State.

This present application has been filed for quashing of the impugned order dated 21.01.2021 passed by the learned Chief Judicial Magistrate, Vaishali at Hajipur whereby and whereunder the cognizance has been taken against the petitioner under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)a, 25(1A), 26, 29(b), 30 and 35 of the Arms Act and also quash and set aside the order dated 25.06.2021 passed in Cr.Revision No. 25 of 2021 by learned Additional District & Sessions Judge-IX, Vaishali at Hajipur.

It is submitted by learned counsel for the petitioner



that petitioner is innocent and he has committed no offence and he has falsely been implicated in this case. He further submits that the petitioner is engaged in business of land, stone chips and sand etc. and the informant has inimical term with the petitioner regarding purchase of land and due to that the informant has named the petitioner falsely due to personal animosity in Hajipur Town P.S. Case No. 130 of 2020 and in which the petitioner has filed Anticipatory Bail vide ABP No.480 of 2020 in which learned ADJ-IV, Vaishali at Hajipur had given the privilege of no coercive steps and later on the petitioner was granted anticipatory bail and during course of his business, the petitioner was gone to Rambhadra and passing through the house of Chandan Singh and on seeing the petitioner reached the house of Chandan Singh and in the meantime, he was restrained by the informant and after that he has falsely been implicated in this case. He further submits that the petitioner who is being accused in Hajipur Town P.S. Case No. 130 of 2020 at the instance of the informant Anjani Kumari Singh in which police has found during investigation that the petition was not present on the date and time of occurrence at the place of occurrence and mentioned that he was present at Patna which shows the guilty intention of the informant to



harass and humiliate the petitioner.

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

This Court finds no illegality in the impugned order as learned Magistrate as well as learned Revisional Court is well within the jurisdiction to take cognizance, if the case, *prima facie*, is found 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 not been framed.

With the aforesaid observation/direction, the application stands disposed of in connection with Hajipur Town P.S. Case No. 336 of 2020/G.R. No. 2063 of 2020.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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