

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55298 of 2021

Arising Out of PS. Case No.-2 Year-2018 Thana- AAYAR District- Bhojpur

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Jitendra Prasad Singh S/O Late Tej Bahadur Singh, R/O Village-Samahuta, P.S-Karakat, District-Rohtas. That Then Posted As Head Master Incharge Of Upgraded Middle School Lalganj Garhani At Present Posted As Girl Primary School Sarathua, P.S-Udwant Nagar, District-Bhojpur, Ara. Petitioner/s
Versus

1. The State Of Bihar
2. The Block Education Officer, Garhnai, Bhojpur Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

10 14-11-2022 The present application is being filed for quashing of the order dated 16.03.2020 passed by Addl. Chief Judicial Magistrate-VII, Bhojpur at Ara in Ayer P.S. Case No. 02 of 2018 by which cognizance has been taken against the petitioner.

Learned counsel for the petitioner submits that the basic grievances of the informant is non-completion of building and kept the sanctioned/released amount with the Principal, with this allegation F.I.R. has been lodged.

Learned counsel for the petitioner submits that by virtue of the Annexures (Annexures-3,4 and 5) it transpires that the Principal has completed the work which has been duly verified by the Junior Engineer as well as informant/O.P.No.2.

Prior to taking cognizance, there are series of materials which are available with the original Court only. It is due to this reason, it is not appropriate for this Court to pass any order on merit in this case.

Learned counsel for the State opposes the prayer for quashing cognizance order stating therein that the cognizance has been taken by the Trial Court on the basis of police papers available on record.

Upon specific query that whether charge has been framed in this case or not, learned counsel for the petitioner submits that till date charge has not been framed.

In this view of the matter, the petitioner seeks liberty to withdraw this application to seek appropriate remedy before the appropriate forum at appropriate stage i.e. to file discharge petition, with all documents attached here in this Case.

With the aforesaid liberty, let this petition is dismissed as to withdrawn. Any observation made in this case shall not be a hurdle in passing order on discharge petition by the Trial Court.

The Trial Court is directed to pass order upon discharge petition within 90 days from the date of its filing.

(Dr. Anshuman, J.)

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