

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7507 of 2023

Arising Out of PS. Case No.-483 Year-2010 Thana- SAKRA District- Muzaffarpur

Upendra Jha, son of late Ramakant Jha, resident of village- Silout Basdeo
Msusta, P.S.- Sakara Muzaffarpur, District- Muzaffarpur (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Braj Kishore Prasad, Advocate
For the Opposite Party : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioner and
learned APP for the State.

This application has been filed for quashing of
order dated 28.08.2018 passed by learned A.C.J.M.-IV,
Muzaffarpur, in Sakra P.S. Case No. 483 of 2010, by which the
learned Magistrate has taken cognizance against the petitioner
for the offence under Section 409 of the Indian Penal Code.

The present F.I.R. has been lodged against the
petitioner, who at the relevant time, was working as Panchayat
Secretary and against the then Mukhiya. It has been alleged that
the accused persons intentionally did not allot the house to the
complainant namely, Binod Kumar Thakur, under Indira Awas
Yojana.

On perusal of the F.I.R., it appears that *prima facie*
case is made out against the petitioner. Further, the petitioner



has not been able to make out a case for quashing of the order dated 28.08.2018 taking cognizance against the petitioner.

Accordingly, this quashing petition stands dismissed. However, the petitioner is at liberty to raise all the grounds, as available under the law, at appropriate stage.

(Sandeep Kumar, J)

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