

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9535 of 2019

Arising Out of PS. Case No.-48 Year-2005 Thana- SHRIKRISHNAPURI District- Patna

=====

KUMAR ASHISH S/o Shri Arun Kumar Verma Resident of New L.I.C
Colony, Mamta Apartment, parental house at Babu Bazar, Ara, Bhojpur
presently residing at Flat No.104, Block-B, Sri Ram Kunj Apartment, Road
No.4, Mahesh Nagar, P.S- Patliputra, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-05-2023 Heard learned counsel for the parties.

This application has been filed for quashing the order dated 27.11.2017 by which learned Special Judge, C.B.I.-1-cum- ACJM, Patna has taken cognizance against the petitioner in connection with Shrikrishna Puri P.S. Case No. 48/2005 for the offence punishable under Sections 420, 406, 409 and 120 (B) of the Indian Penal Code.

As per prosecution, on 19.03.2005, informant received a secret information at District Control Room, Patna that in connivance of the Administrative Personnels, the question paper of the Intermediate examination at A.N. College



Patna were passed on and sent outside the college premises through some agents before starting of the examination who thereafter solving the questions sells the answers to the examinees in Rs. 300-400 each. After receiving the information a special team was constituted who raided the first floor of Krishna Apartment where some persons were found preparing the answer sheets of the question who were arrested and following articles were recovered from the spot. Two mobile phones were also recovered from the possession of the petitioner. On the basis of said information, the F.I.R. bearing Srikrishna Puri P.S. Case No. 48/2005 was registered against the petitioner.

Learned counsel for the petitioner submits that during investigation no material has come which in support of the allegation against the petitioner and there is no legal evidence against the petitioner which proves the petitioner involvement in the crime.

Learned APP have gone through the records of the case he is not been able to point out any material/evidence which may be considered strong *prima facie* case for discharge of the petitioner.

In this circumstances, this application is allowed.



The order dated 27.11.2017 passed in Shrikrishna Puri
P.S. Case No. 48/2005 is hereby quashed with respect to the
petitioner.

(Sandeep Kumar, J)

Ranjeet/-

U		T	
---	--	---	--

