

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20174 of 2023

Arising Out of PS. Case No.-31 Year-2018 Thana- VIGILANCE District- Patna

PURUSHOTTAM PRASAD YADAV @ PURUSHOTTAM JEE SON OF
SURESH PRASAD YADAV R/O VILLAGE- EAST KARAGAHIIYA, LALU
NAGAR, P.S.- MUFFSIL BETTIAH, DISTRICT- WEST CHAMPARAN,
PIN- 845438

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
VIGILANCE DEPTT., BIHAR PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajeet Kumar Bhardwaj, Advocate
For the Vigilance	:	Mr. Rana Vikram Singh, Special P.P. Vig.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. In the present application filed under Section 482 of the CrPC, the petitioner has put to challenge the order dated 19.03.2021 passed by learned Special Judge Vigilance North Bihar, Muzaffarpur in Vigilance P.S. Case No. 31/2018, Special Case No. 20/2018 whereby he has framed charge against the petitioner for commission of the offences punishable under Section 7(a) of the Prevention of Corruption Act, 1988 read with Sections 13(2), 13(1) (d) thereof.

3. Learned counsel appearing on behalf of the petitioner is relying on a communication issued by the District

Magistrate of the concerned district to submit that the petitioner has been wrongly prosecuted and the charges have wrongly been framed.

4. Mr. Rana Vikram, learned counsel appearing on behalf of the Vigilance is present and has opposed the petitioner's prayer.

5. In my opinion, this application challenging the order framing charge against the petitioner under Section 482 of the CrPC is thoroughly misconceived. It is not the case of the petitioner that he had made any application before the court below under Section 227 of the CrPC for his discharge.

6. In any view of the matter, on the basis of the communication said to have been made from the office of the District Magistrate, this Court is not required to interfere with an order framing charge. The petitioner shall be at liberty to take such plea at the stage of trial.

7. This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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