

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15420 of 2023

Arising Out of PS. Case No.-240 Year-2019 Thana- CHANPATIA District- West Champaran

ABHISHEK KUMAR S/O JAYSHANKAR PRASAD Resident of Village-
Chanpatiya, Ward No.- 7,P.S.- Chanpatiya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAVI KRISHNA S/O RANBIR KUMAR Resident of Village and P.O.-
Saura, P.S.- Bajpatti, District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-08-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 25.01.2023 passed by the learned S.D.J.M., Bettiah, West Champaran in Trial No. 2432/2022 (arising out of Chanpatia P.S. Case No. 240/2019) whereby and whereunder the charges have been framed against the petitioner for the offence under Sections 420, 406, 407, 468 and 471 of the Indian Penal Code.

3. As per prosecution case, informant in his written report stated that he was a Security Manager in a Delivery Pvt. Ltd. Company. He further stated that items of approx. Rs. 20 Lakhs have been ordered on different names and were returned



too. When informant returned these items to Online Shopping Companies, it was told by the Company that power bank and mobile phone were delivered in original but in return these items came as duplicate. Till now both items were worth Rs. 2,14,7873/- were found to be duplicate. When the informant inquired from the delivery boy of his company, it came to light that theses items were ordered in the names of Prashant, Aditi, Babita, Damni, Arti and Shanti etc. and these items were ordered by only two boys and they have returned them. Informant further stated that the boy who called the delivery boy and disclosed his name as Karan Kumar called them to Chiran Chowk to give items. When the informant reached there, he saw that boy sitting on motorcycle inside a shop. Karan started fleeing by motorcycle without returning the items. The informant caught him due to which, he fell on the ground and fled after leaving motorcycle.

4. Learned counsel for the petitioner submitted that the charges which have been framed against the petitioner should be set aside as they are not in accordance with law. The petitioner had opportunity to file an application for discharge which he did not do. He could have raised all the grounds for discharge at the stage of framing of charge which was not done.



The learned trial court has found strong prima facie evidence against the petitioner. From the materials available on record the petitioner at this stage cannot be allowed to raise the issue when he has not raised the same in the trial court.

5. Accordingly, this application is dismissed with liberty to petitioner to file an application for alteration of charge as and when the stage arises under Section 216 Cr.P.C.

(Sandeep Kumar, J)

Ranjeet/-

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