

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48764 of 2017

Arising Out of PS. Case No.-332 Year-2012 Thana- SIWAN CITY District- Siwan

Prem Kumar Mishra and Anr

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-05-2023

Heard the parties.

This application has been filed for quashing the order dated 08.06.2017 passed by C.J.M. 1st Class, Siwan rejecting the application of discharge filed in Siwan Town P.S.Case No. 332/2012 and has proceeded to frame charge of the alleged offence against the petitioners.

The prosecution in short is that on 22.09.2012 at 08.00PM, the informant stated that on that day at 3.00PM, the S.D.P.O. Sadar gave telephonic information that the District Magistrate, Siwan had given information that the employees of SPCA were realizing money in an illegal manner from the Chicken, Meat and Fish shop-keepers. These petitioners are misusing their posts and also using the police logo. The SDPO directed the informant to enquire into the matter forthwith. In



course of enquiry in presence of two independent witnesses, the house of Prem Kumar was searched and a seizure list was also prepared. A Letter Pad of State S.P.C. A.Bihar, Blank Form of Mobile. Lok Adalat signed by Nizamuddin Khan, an application of Zarina Khatoon with regard to theft of her he-goat, a Khakhi dress, a Hero Honda Splendor Motorcycle bearing blue strip and Rajdoot Motorcycle, bearing number plate of police log were recovered from the house of Prem Kumar who did not reply satisfactorily about the possession of aforesaid articles.

Strong *prima-facie* case has been found against the petitioner which is apparent from the perusal of the impugned order.

In view of the law laid down by the Hon'ble Supreme Court in the case of ***State of Bihar vs Ramesh Singh 1977 SCC 4 39***, this application is dismissed.

The trial court is directed to expedite the trial of the petitioner.

(Sandeep Kumar, J)

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