

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16212 of 2018

Arising Out of PS. Case No.-77 Year-2013 Thana- HATHUA District- Gopalganj

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Balindra Prasad Rai S/o- Late Yugal Kishore Rai, R/o- Bhavnath Mandir,
Naya- Bazar, Siwan, P.S.- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Jitendra Kumar Singh, S/o Basawan Singh (the then B.E.O. Hathua, Gopalganj), resident of Village- Kala Dumara, P.S.- G.B. Nagar Tarwara District- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Pandey, Advocate
		Mr. D.K. Sinha, Sr. Advocate
For the Opposite Party/s	:	Mr. Sri Surendra Kumar
For the State	:	Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 18-04-2023 Heard learned senior counsel for the petitioner and

learned APP.

This application has been filed for quashing the
order dated 28.07.2017 passed by learned Chief Judicial
Magistrate, Gopalganj in Trial No.2259 of 2017 arising out of
Hathua P.S. Case No.77 of 2013 by which cognizance has been
taken under Section 409 of the Indian Penal Code.

*As per the prosecution story, the petitioner who
was the In-charge Headmaster of Dr. Rajendra Prasad High
School, Hathwa on 30.06.2012 after his retirement chose not to
handover the charge to his successor Headmaster.*



Learned APP has produced the counter affidavit filed by the District Education Officer, who had appeared on 12.04.2023 but his appearance could not be marked as the records were not available.

It has been submitted by the learned senior counsel for the petitioner that no offence is made out against the petitioner, and for the dereliction of duty, no departmental proceeding has been initiated against the petitioner. He also submits that the petitioner has retired.

I have gone through the records of the case, no offence is made out against the petitioner, this application is allowed.

Trial No.2259 of 2017 arising out of Hathua P.S. Case No.77 of 2013, passed by learned Chief Judicial Magistrate, Gopalganj, is hereby quashed.

(Sandeep Kumar, J)

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