

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52734 of 2015

Arising Out of PS. Case No.-7 Year-2015 Thana- ARWAL District- Jehanabad

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Amarendra Kumar son of Late Bhagwati Prasad resident of Arwal Sipal Near
Petrol Pump, Police Station and District - Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2, Advocate
For the Opposite Party/s : Mr.Satyendra Nr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-03-2023 Heard the parties.

The present petition has been preferred for quashing
of the entire criminal proceeding arising out of Arwal P.S. Case
No. 07 of 2015 registered for offence under Sections 341, 447,
353, 387, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution story, the Executive Officer,
Nagar Parishad, Arwal alleged with the help of the documents
attached with the FIR on 05.01.2015 that the petitioner who
was the Chief Counselor failed to clear the 'no confidence
motion' on 05.01.2015 whereafter frustrated, he tried to open



the room which was objected.

Subsequently, on 06.01.2015, he started forcing the informant to sign some blank documents which was refused and he moved to the confidential section. Further, when he was moving to Wasilpur, it is alleged that the petitioner intercepted him along with his associates and once again wanted to sign some blank documents and was also trying to scare him by pointing towards her revolver that he was carrying, it was timely arrival of the D.T.O., Arwal as well as D.P.R.O., Arwal that no untoward incident happened.

This resulted into lodging of the Arwal P.S. Case No. 7 of 2015 on 08.01.2015.

Learned counsel for the petitioner has taken this Court to the order dated 23.12.2014 by a Co-ordinate Bench in CWJC No. 10138 of 2014 in which the Patna High Court chose not to interfere with the earlier 'no confidence motion' dated 16.06.2014 but instead observed that since the period of one year has lapsed and there is no infirmity in the requisition filed by the requisitionists placed at Annexure 1, direction was given to the petitioner to proceed as a Chief Counselor to fix a special date of meeting on or before 29.12.2014 and ensure the circulation of notice in this regard failing which the



requisitionists shall be at liberty to proceed in the matter in the light of the provisions underlying Rule 2(iii) of the Rules.

The further direction was given to the Executive Officer, Nagar Parishad that if he fails to abide by the rules, he may be hauled up for contempt.

It seems that thereafter the petitioner was forced to convene the meeting in which as alleged in the FIR, he was defeated which follows the incident for which FIR has been lodged.

Learned counsel for the petitioner tried to show this Court the report of the District Magistrate to the Commissioner, Magadh Division, Gaya in his support. However, a bare perusal of the said report in paragraph 15, it seems that the District Magistrate has observed that the C.D. that has been supplied by the petitioner has been made after removal/addition of some part and it needs to be enquired by the Technical persons at the F.S.L. He further observed that how the C.D. came to his hand is the matter of another enquiry.

Be that as it may, a bare perusal of the FIR clearly shows that the allegation is against the petitioner and in that backdrop, the prayer for quashing of the entire criminal proceeding is without any merit.



The petition is misconceived and is accordingly
dismissed.

(Rajiv Roy, J)

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