

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.645 of 2014

In
CRIMINAL REVISION No.1368 of 2011

Arising Out of PS. Case No.-96 Year-2006 Thana- NAWADA District- Nawada

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Narendra Kumar son of late Musafir Singh Resident of Mohalla - Ramnagar,
P.O, P.S. and District - Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar
2. District Magistrate, Nawada.
3. Branch Manager, Nawada Central Co-operative Bank.
4. Superintendent of Police, Co-operative Sale, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh
For the Respondent/s : Mr.Ajit Kumarapp

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

14 25-04-2023 Heard learned counsel for the parties.

2. This application has been filed for direction against the order dated 28/09/2011 passed in G.R. Case No. 483 of 2006/816 of 2011 (State Vs. Nawal Kishore Prasad Singh and Others) by learned Judicial Magistrate, 1st Class, Nawada whereby and whereunder the learned Magistrate has rejected the petition for discharge of petitioner under Section 239 of Cr.P.C.

3. As per prosecution case, it has been stated by the informant that the District Magistrate, Nawada has directed to lodge a case in local police station against president and Secretary of Motor Transport Co-operative Society and against



honorary Secretary and in Charge Managing Director of Nawada Central Co-operative. It is further stated in F.I.R. that a loan of Rs. 10,000,00/- for purchasing two buses to run at the State route of Nawada, has been sanctioned in favour of Motor Transport Co-operative Society Ltd. On 13/10/1986 and for purchasing said two buses a total amount of Rs. 795420.38 Paise in the form of Bank draft has been paid to Mithila Body Builder, Muzaffarpur till 28/03/1987, out of sanctioned loan amount and rest amount has been adjusted against dues of the Motor Transport Society. It is further alleged that the terms under the agreement has not been followed by the Society, and the Bank had given loan amount only because the Secretary of the Society was Joint Secretary of the Bank and his brother namely Sri Narendra Kumar, was Secretary of the Bank due to which such huge amount had been sanctioned. It is further alleged that petitioner had signed on the agreement pro note in the capacity of President and Secretary of Motor Transport co-operative Society and as per the terms the bus has to be plied in Nawada, but, they without hypothecation, plied the buses at Muzaffarpur, and its income has been used in personal use. On the basis of said report F.I.R. was lodged against the accused persons.



4. The short point raised by the petitioner is that there is no allegation of having committed any criminal offence by the petitioner. The only allegation against the petitioner is that due to the influence of the petitioner the other accused persons which includes his brother has been berricated.

5. In my opinion, the prosecution against the petitioner cannot be continue on the basis of conjectures and surmises.

6. Though, learned counsel for the State has submitted that the prosecution cannot be quashed at the initial stage against this petitioner.

7. In view of the above this application is allowed.

8. The order dated 28/09/2011 passed in G.R. Case No. 483 of 2006/816 of 2011 is hereby quashed with regard to the petitioner.

(Sandeep Kumar, J)

Ranjeet/-

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