

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44992 of 2018

Arising Out of PS. Case No.-103 Year-2016 Thana- AANDAR District- Siwan

Madan Prasad Son of Dinanath Prasad, Wife of Rajendra Rai Resident of
Village- Raghunath, Police Station- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Roy, Advocate

For the Opposite Party/s : Mr.Sri Vinod Shankar Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-02-2023 The present petition has been filed seeking
the following relief:-

“1). That this application is being preferred on behalf of the petitioner abovenamed for quashing the order dated 01.04.2007 passed by learned A.C.J.M.-IXth, Siwan in Ander P.S. Case No. 103 of 2016 dated 04.09.2016, corresponding to Trial No. 1947 of 2017, whereby he has been pleased to take cognizance against the petitioner under Sections 417, 420, 406, 409 and 120B of the Indian Penal Code.”

The learned counsel for the petitioner has submitted that though the petitioner has been accused of obtaining employment by forging his



educational qualification certificates but then a Co-ordinate Bench of this Court vide order dated 22.05.2017 passed in CWJC No. 5345 of 2016 has held the order of termination of the services of the petitioner to be illegal and has thus quashed the termination order, whereafter the petitioner has also been reinstated, hence it is submitted that the instant criminal prosecution of the petitioner on same set of facts is not sustainable in the eyes of law, thus the order taking cognizance dated 01.04.2017 passed by the learned Court of A.C.J.M.-IXth, Siwan in connection with Ander P.S. Case No. 103 of 2016, may be set aside, nonetheless, the learned counsel for the petitioner has also submitted that alternatively, the petitioner be granted liberty to approach the learned court below for filing appropriate discharge petition, at the time of framing of charges, in light of the aforesaid facts, which may be directed to be considered by the learned court below fairly and in a just manner.

In view of the aforesaid, liberty so sought



by the petitioner is granted and the learned trial court is directed that in case appropriate discharge petition is filed by the petitioner, the same be considered objectively keeping in view the aforesaid facts and circumstances of the case and appropriate orders be passed thereon forthwith, in accordance with law.

The petition stands disposed off as not pressed, however, with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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