

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25153 of 2015

Arising Out of PS. Case No.-29355 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Arvind Kumar Rajak S/o Late Kamleshwar Rajak At present posted as Chiefr Public Relations Officer, East Central Railway, Hajipur.
 2. J.P. Singh S/o Sri Indradeo Singh At present posted as Senior Divisional Personnel Officer, East Central railway, Mughalsarai.
 3. Amitabh Prabhakar S/o Sri V.K. Singh At present posted as Senior Divisional Commercial Manager, East Central Railway, Danapur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sanjay Kumar S/o Late Rana Raghunandan Singh Resident of Village Hakikatpur, P.S. Bakhtiyarpur, District Patna at present residing at Flat No. 404, Yuv Raj Mansion Apartment, East Boring Canal Road, P.S. Budha Colony, Patna-800001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad
For the Opposite Party/s : Mr.Harendra Prasadapp

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

12 28-02-2023 Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

The present application has been filed for quashing the orders dated 16.02.2015 and 15.03.2016 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 29355(C) of 2014 whereby and whereunder the learned Judicial Magistrate, 1st Class, Patna has been pleased to take cognizance against the petitioners under Section 385 of the Indian Penal Code.

The prosecution story in short is that one railway employee has filed this case against another railway



employee making allegation that the petitioner had demanded bribe for transfer.

It has been submitted by learned counsel for the petitioner that it is a *malafide* prosecution by the complainant which has been filed only to harass the petitioner who is a superior officer as the complainant was not satisfied with his transfer order and for that the petitioner relies upon the judgment of Hon'ble Supreme Court passed in the case of ***Punjab National Bank Vs. Surendra Prasad Sinha*** reported in ***1992 AIR 1815 and also in the case of State of Haryana Vs. Bhajan Lal reported in Supp (1) SCC 335.***

Learned counsel for the opposite party is not able to add anything which is on record.

Considering the law laid down in the case of ***Punjab National Bank Vs. Surendra Prasad Sinha*** (*supra*) and also the case of ***State of Haryana Vs. Bhajan Lal*** (*supra*), *this application is allowed.*

Accordingly, the orders dated 16.02.2015 and 15.03.2016, above referred, are hereby quashed.

(Sandeep Kumar, J)

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