

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21212 of 2015

Arising Out of PS. Case No.-363 Year-2011 Thana- HILSA District- Nalanda

=====

Suman Kumar S/o Late Ram Pravesh Prasad Resident of Village Makanpur,
P.S. Hilsa, District Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Surendra Kumar S/o Ram Baran Prasad Resident of Village Makanpur, P.S.
Hilsa, District Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Braj Kishore Prasad Sinha, Advocate

For the Opposite Party/s : Mr.J.Upadhyaya, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 16-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner has filed this application for quashing of the order taking cognizance dated 07.04.2012 in Hilsa P.S. Case No. 363 of 2011 dated 16.11.2011 (G.R. No. 1505 of 2011) passed by the Additional Chief Judicial Magistrate, Hilsa under Section 341, 323, 504, 353 and 385 of the Indian Penal Code.

The allegation in the FIR is that the informant, acting Headmaster of Village Middle School, Makanpur was teaching weak students with the help of his brother, Jitendra Kumar. The allegation is that the accused persons entered in the school and put pressure upon him to hand over the charge of Headmaster to Abhya Sinha. Further, allegation is of demanding Rs. 50,000/-



as commission in the construction of school building and locking of the school premises as a result whereof the construction work stopped.

Learned counsel for the petitioner submits that there is no date in the FIR and thus, the entire story seems doubtful. The further submission is that Abhya Sinha despite having higher marks was denied employment and the persons with lesser marks were taken for which there have been some argument between the Appointing Authorities and in revenge, the false accusations against the petitioner. The last submission is that entire story is false and none of the witnesses have supported the prosecution case.

In this case, case diary was called for.

Learned APP for the State has taken this Court to the Supervision note of the Dy. S.P. to show that he supervised the matter and having found the case to be true, he gave certain instruction whereafter charge sheet was submitted against the petitioner herein.

Taking into account the kind of allegation that has come which included obstruction in functioning of the school by putting a lock in it, thus denying the small children their right to study, it would be appropriate that the petitioner face the trial.



No case is made out to interfere, the petition stands dismissed.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

