

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51444 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- GHOGHARDIHA District- Madhubani

HARI NARAYAN SAH SON OF SUBLAL SAH R/O VILLAGE-
DUDHAILA, P.S.- NIRMALI, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Ghoghardiha P.S. Case No. 123 of 2021 for the offence registered under Sections 406, 409 and 420 of the Indian Penal Code.

As per the prosecution story, the petitioner was handed over 15 volume of rent receipt but he returned only 14 volume. So far as the rent receipt bearing nos. 838801-838850 are concerned, neither the same was returned nor he gave any information with respect of the same to the Circle Officer



concerned.

Taking into account the aforesaid fact the District Magistrate, Madhubani vide Memo no. 1005 dated 29.06.2019 directed the Circle Officer, Ghoghardiha who lodged FIR but he chose to ignore the same. It was only in 2021 that the District Magistrate sent reminder whereafter the new incumbent lodged the present FIR.

Learned counsel for the petitioner submits that the said rent receipt was actually lost which he had informed to the concerned Circle Officer and he had acknowledged the same by putting in his initial. However, he is unable to say why a proper 'Sanha'/FIR was not preferred before the concerned police Station.

Further, the District Magistrate took cognizance of the matter in 2019 itself and there is nothing on record to show that the petitioner on its own took steps so that the said rent receipt (838801-838850) is/are not misused.

Taking into account the aforesaid fact, this Court is not inclined to extend him relief, which is accordingly rejected. If however, he surrenders before the concerned Court within a period of four weeks from today, the learned Court below shall take all the documents which is available on record and decide



the case on merit without being prejudiced by any observation
made by this Court.

(Rajiv Roy, J)

Jagdish/Neha/-

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