

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33357 of 2018**

Arising Out of PS. Case No.-120 Year-2010 Thana- SURSAND District- Sitamarhi

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RAM BHAGAT PANJIYAR @ RAM NANDAN PANJIYAR

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-04-2023

Heard the parties.

This application has been filed for quashing the order dated 01.04.2017 passed in T.R. No. 5797 of 2017 arising out of Sursand P.S. Case No. 120 of 2010 by which the learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi has taken cognizance against the petitioner under Sections 408, 411/34 of the Indian Penal Code.

The prosecution case in short is given hereinbelow:-

The informant is B.E.O. Sursand and on the basis of written report Sursand P.S. Case No. 120/2010 is instituted and registered according to which on 1.9.2010 at 4 P.M. evening and on the basis of information received on his mobile



that 5 bags of rice of mid-day meal of middle school, Maidan total weighting 200 Kg was being sent towards, Birrakh for its sell. The informant went to the school and enquired from the Chandra Bhushan Kumar who is an Assistant Teacher and the in-charge admitted that the said rice was kept at the house of Ram Bhagat Panjiyar of Birrakh for its sale. The informant went there and found the rice kept at the house of Ram Bhagat Panjiyar and it was told that the said rice was kept by Chandra Bhushan Kumar and the said rice was sent to the school by another thela in presence of several villagers.

At the very outset, the learned counsel for the petitioner has argued that similarly situated accused persons in the same F.I.R. Sivaji Chaudhary, Ganesh Sah, Kishori Sah and Chandra Bhusan Kumar have moved this Court in Cr. Misc No.42362 of 2017 and 7707 of 2018.

This Court after hearing the parties are quashed the prosecution of the petitioner of Cr. Misc. No.42362 of 2017 and No. Cr. Misc. 7707 of 2018.

For the reasons mentioned in the order dated 11.12.2017 in Cr. Misc No.42362 of 2017 and order dated 26.06.2018 in Cr. Misc No. 7707 of 2018, this application is allowed.



The order dated 01.04.2017 passed in T.R. No.
5797 of 2017 arising out of Sursand P.S. Case No. 120 of 2010
is hereby quashed.

(Sandeep Kumar, J)

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