

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.983 of 2023

Arising Out of PS. Case No.-72 Year-2018 Thana- INDUSTRIAL AREA District- Vaishali

Rambriksha Kumar @ Rambriksh Kumar Das, S/O Late Ajab Das R/O
Village- Malikpur Saidabad, P.S- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suraj Kumar S/O Raj Kumar Das R/O Village- Chhoti Marai Dhanauti, P.S-
Industrial Area, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-08-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 16.11.2019 passed by learned S.D.J.M., Hajipur, Vaishali in Tr. No.- 385/2022, arising out of Industrial Area P.S. Case No. 72/2018 whereby and whereunder the application under Section 239 of the Cr.P.C. filed by the petitioner has been dismissed without considering the facts and materials available on record.

3. As per prosecution case, informant namely Suraj Kumar in his written application stated that the petitioner along with his friend Arun Kumar visited his house in February, 2016 and they asked him to bear some expense for removing their



unemployment. They told him that his sister shall be employed on the post of Co-ordinator, Office Assistant etc. during direct recruitment in Jharkhand Secretariat on after some payment is made. They gave him full guarantee and assurance of his money and took Rs. Two lakhs from him as advance booking along with photocopies of their educational certificates. It has further submitted that on their instructions he transferred money from time to time in the account of Arun Kumar Singh opened with HDFC Bank A/c No. -050311000190593. It is further alleged that informant sent money in A/c No.-038000100236401 (PNB Bank) of Rambriksh Kumar (petitioner) also. In the meantime one letter dated 13.05.2016 issued by JAP I.T. was handed over to him and in pursuance of that letter informant went to the C.M.O., informed him that after verification, his original certificates will be returned and joining letter will be received to him.

4. Informant further alleges that Arun Kumar Singh returned his documents. In light of that appointment letter he urged Arun Kumar Singh to allow him to join, they always kept evading by making some excuse and on enquiry he came to know that they had taken Rs. 7,65,000/-from him and Rs. 8,00,000/- from others also. On the basis of said information



aforesaid case was registered against the accused persons.

5. Strong *prima facie* case has been found against the petitioner and in view of the law laid down by Hon’ble Supreme Court in the case of *State of Bihar vs. Ramesh Singh 1977 SCC (4) 39*, this application is dismissed.

(Sandeep Kumar, J)

Ranjeet/-

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