

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.444 of 2023

Arising Out of PS. Case No.-282 Year-2021 Thana- KHAGAUL District- Patna

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GANESH KUMAR @ MUKESH S/o Janardan Prasad Singh R/o Village-
Asthawan, P.S.- Asthawan, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj
For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-07-2023 Heard learned counsel for the parties.

2. This application is filed for quashing of the order dated 05.12.2022 passed in G.R. No. 4215/2021 (arising out of Khagaul P.S. Case No. 282/2021) by which learned court below has rejected the prayer of the petitioner to discharge him under Section 239 of the Cr.P.C.

3. As per prosecution case, informant namely Mukesh Kumar in his statement stated that on 14th November, 2021 he received a secret information that one army personal name Ganesh Kumar alias Mukesh who is standing outside the Danapur railway station is supplying secret governmental information relating to his Army Unit to ISI, Pakistan. He further alleges that thereafter he reached Danapur railway station and caught the accused person. On inquiry he admitted



that when he was posted as nursing assistant at Jodhpur he used to give information relating to his army unit to one Riya, an ISI agent through Whatsup number. On the basis of self statement of the informant the present case i.e. Khagaul P.S. Case No. 282/2021 was instituted.

4. The petitioner wants the prosecution under Official Secret Act to be quashed by this Court. This Court cannot interfere in this case at the stage of framing of charge as the learned trial court has found enough material against the accused which is *prima facie* true for framing of charge.

5. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

Ranjeet/-

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