

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13720 of 2019

Arising Out of PS. Case No.-41 Year-2016 Thana- ANGARH District- Purnia

Vikash Kumar Son Of Om Prakash Gupta Resident Of Mathuriya, Bihar Sharif, Police Station- Laheri, District- Nalanda, Then Posted As Pta (Panchayat Technical Assistant) Of Baisi Block.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mayank Kumar Singh, (Then B.D.O., Baisa) Son Of Gobind Singh Resident Of Block Office, Baisa, District - Purnea, Permanent Resident Of Village- Baluwa, Police Station- Baluwa, District - Chandauli (U.P.)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-04-2025 This is an application for quashing of the order dated 04.01.2019 passed by the learned Judicial Magistrate 1st Class, Purnea by which cognizance has been taken against the petitioner under Sections 420, 406/34 of the Indian Penal Code.

2. As per the prosecution case, machine was used in the work under the MNREGA scheme which is against the rules of MNREGA scheme and the petitioner was found guilty during the enquiry of the scheme.

3. Petitioner wants his defence to be examined by this Court at the stage of cognizance which is not permissible in law. The Court below has found prima-facie case against the petitioner and has taken cognizance.



4. This application is disposed of with liberty to the petitioner to raise all the grounds at the stage of framing of charge.

(Sandeep Kumar, J)

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