

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1742 of 2024

Arising Out of PS. Case No.-19 Year-2012 Thana- MAHISHI District- Saharsa

Shiva Shankar Ram @ Shiv Shankar Ram Son of Late Lachhmi Ram R/O
Village- Ekma, P.S. And District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-01-2025 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The present quashing petition has been preferred to
quash the order dated 16.01.2023 passed in Mahishi P.S. Case
No. 19 of 2012, where learned Sub-Divisional Judicial
Magistrate, Saharsa took cognizance for the offence punishable
under section 406, 409, 420, 467, 471 and 120(B) of the Indian
Penal Code against the petitioner.

3. It is pointed by learned counsel that petitioner was
not posted at relevant point of time when occurrence took place.
It is also submitted that role of petitioner was very limited
regarding allotment of house under *Mukhyamantri Awas Yojana*
and also under *Indira Awas Yojana*.

4. It is submitted that taking note of aforesaid facts,



after investigation police submitted final form against petitioner and did not sent him for facing trial. However learned trial court took cognizance by taking different note without assigning any reason.

5. It is also pointed out by learned counsel that main role of allotment of *Indira Awas Yojana* is of concerned mukhiya and BDO, who were not sent up for trial and same was accepted by the learned trial court.

6. Considering the aforesaid aspect the learned SDM, Saharsa is directed to pass fresh cognizance order in accordance with law by considering all such factual and legal submissions as noted above. In view of aforesaid, the impugned order is hereby quashed and setaside.

7. With aforesaid observations present quashing petition stands disposed of.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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