

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28531 of 2016

Arising Out of PS. Case No.-464 Year-2013 Thana- SHRIKRISHNAPURI District- Patna

Rajesh Kumar Sikaria @ Rajesh Sikaria son of Sri Babulal Sikaria Resident of A - 4B, Pushp Vihar Apartment, Exhibition Road, P.S. Gandhi Maidan, Town and District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. PATNA MUNICIPAL CORPORATION THROUGH THE MUNICIPAL COMMISSIONER, MAURYA LOK, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nikhil Kumar Agrawal, Advocate
For the State	:	Mr.Shyam Kumar Singh, APP
For the P.M.C.	:	Mr.Prasoon Sinha, Sr. Advocate
		Mr.Prabhat Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

17 13-01-2026 Heard the parties.

2. The petitioner is seeking quashing of the cognizance order dated 06.05.2014 passed in Case No. 464 of 2013. The learned Judicial Magistrate, 1st Class, Patna, vide the impugned order, took cognizance of offences punishable under Section 188/34 of the Indian Penal Code read with Sections 313, 323 and 324 of the Bihar Municipal Corporation Act against eleven accused persons, including the present petitioner. The petitioner respectfully contends that no *prima facie* case has been made out against him warranting such cognizance.

3. All the learned counsel are in agreement that no



offence under Section 188 I.P.C. is made out on facts of the case, but the case should proceed for violation of the order passed by the Municipal authorities under the Bihar Municipal Corporation Act, 2007. It is next submitted by the learned Senior Counsel for Patna Municipal Corporation that offences under Section 429 of Bihar Municipal Corporation Act, 2007 are made out.

4. In these circumstances, this application stands disposed of with a direction to the concerned court below to proceed with the prosecution, but the prosecution will not proceed under Section 188 of I.P.C.

(Sandeep Kumar, J)

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