

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11228 of 2019

Arising Out of PS. Case No.-284 Year-2014 Thana- MIRGANJ District- Gopalganj

BAIKUNTH NATH SINGH S/o Sri Ramchandra Singh Resident of Village-
Mishrbatraha, P.S- Phulwariya, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 17-08-2026

Heard the parties.

2. The present quashing petition has been preferred to quash the order dated 29.11.2018 passed in G.R. No. 3225/2014, Trial No. 2144/2018 arising out of Mirganj P.S. Case No. 284/2014, where learned C.J.M.-XVI, Gopalganj rejected the petition dated 04.09.2018 under Section 239 of the Cr.P.C. to discharge petitioner from the offences punishable under Section 420 and 409 of the IPC.

3. Case of prosecution, in brief, speaks that written report submitted by the informant, who was then the Block Education Officer, Hathua, Gopalganj, the present F.I.R. came to be instituted. It is alleged that during the financial year 2006-07, an amount of Rs.7,88,000/- was sanctioned/estimated for the construction of the school building, out of which Rs.7,09,000/-



was withdrawn from the account of the School Education Committee. However, the school building was allegedly not fully constructed by the petitioner, who was the Principal of the said school, and it is alleged that the funds were misappropriated/misused by him. Consequently, the present F.I.R. was lodged.

4. It is submitted by learned counsel for the petitioner that it is not a case of misappropriation, rather the work assigned was not completed within the time. It is submitted that later on work performed by this petitioner was found satisfactory and he was also given NOC in his favor from the project head i.e., Bihar Education Project (*Sarva Siksha Abhiyaan*) as issued from the office of District Program Officer vide Letter No. 114 dated 19.01.2015. It is submitted that said letter was also forwarded to SHO, Mirganj to take appropriate action in this regard (Annexure-2 of the petition). It is submitted that in view of same, no case is made out against this petitioner and, therefore, impugned order is fit to be quashed and set aside, in view of legal report of Hon'ble Supreme Court as available through ***State of Haryana and Others vs. Bhajan Lal and Others reported in 1992 Supp (1) Supreme Court Cases 335.***



5. Learned APP appearing on behalf of the State, opposed the petition.

6. It would also be apposite to reproduce the paragraph no. 102 ***Bhajan Lal Case (supra)***, which reads as under:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first informant report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent persons can ever reach a just



(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

[illegible]



शुद्धि - पत्र

इस कार्यालय के पत्रांक 114 दिनांक 19.07.15 में प्रतिलिपि में थानाध्यक्ष हथुआ अंकित हो गया है। जिसे थानाध्यक्ष मीरगंज पढ़ा जाय।

विश्वासमाजन

जिला कार्यक्रम पदाधिकारी,
प्रारंभिक शिक्षा एवं सर्व शिक्षा अभियान
गोपालगंज।

ज्ञापक 345 / गोपालगंज दिनांक 25/07/2015 /

प्रतिलिपि :- संबंधित विद्यालय के प्रधानाध्यापक / विद्यालय शिक्षा समिति को सूचनार्थ एवं आवश्यक कार्यार्थ समर्पित।

प्रतिलिपि :- प्रखण्ड शिक्षा पदाधिकारी हथुआ / थानाध्यक्ष मीरगंज को सूचनार्थ प्रेषित।

जिला कार्यक्रम पदाधिकारी,
प्रारंभिक शिक्षा एवं सर्व शिक्षा अभियान
गोपालगंज।

8. In view of aforesaid factual and legal submission as construction work, related with school, where this petitioner was head master found satisfactory upon inspection by Junior Engineer and thereafter the NOC was also given in his favour with due intimation to the SHO as not to initiate any criminal



prosecution against this petitioner. Accordingly, by taking note of guidelines as mentioned in para nos. 1 and 3 of the **Bhajan Lal Case (supra)**, impugned order of rejection of discharge petition u/s 239 of Cr.P.C. dated 29.11.2018 with all its consequential proceedings, *qua*, petitioner arising thereof as passed in G.R. No. 3225/2014, Trial No. 2144/2018 arising out of Mirganj P.S. Case No. 284/2014, pending before learned C.J.M.-XVI, Gopalganj is hereby quashed and set aside.

9. Hence, this application stands allowed.

10. TCR (Trial Court Records), if any, be returned to the learned Trial Court alongwith the copy of this judgment.

(Chandra Shekhar Jha, J)

S.Tripathi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.08.2026
Transmission Date	18.08.2026

