

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.933 of 2014

Arising Out of PS.Case No. -65 Year- 2014 Thana –Nautan (Siwan Sadar) District- SIWAN

Raj Kishor Rajak, S/O Sri Ram Swaroop Rajak, Village- Siudih, P.S. Amarpur,
District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna
3. The District Magistrate, Siwan
4. The D.D.C., Siwan
5. Kumar Ramanuj, Director Accounts Administration and Self Employment,
D.R.D.A., Siwan
6. Ravindra Kumar Ray, Executive Engineer, District Urban Development
Authority, Siwan
7. Santosh Kumar Ray, Assistant Engineer, MANREGA, D.R.D.A., Siwan
8. Nagendra Baitha, Block Development Officer, Jiradei, Siwan
9. Amit Narayan, Program Officer, Jiradei, Siwan
10. The Panchayat Secretary, Jiradei
11. The Junior Engineer, MANREGA, Jiradei, Siwan
12. The Panchayat Technical Assistant, Jiradei, Siwan.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
Ms Tulika Singh, Adv.
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-24
Mr. Bipin Kumar, A.C. to SC-24.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-03-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

In this application filed under Articles 226 and 227 of
the Constitution of India, the petitioner seeks quashing of Nautan
(Siwan Sadar) P.S.Case No.65 of 2014 registered under sections 409,
420, 120-B read with 34 of the Indian Penal Code.

The F.I.R. in question has been brought on record as

Annexure-4 to this application. Perusal of the F.I.R. discloses that the allegations made therein do constitute a cognizable offence.

Learned counsel for the petitioner has submitted that when the petitioner did not concede to the illegal, irrational and unreasonable demands of the respondent Deputy Development Commissioner, then by making a false report, the instant case was filed.

Be that as it may, the defence of the petitioner cannot be looked into by this Court when the matter is still under investigation. At the stage of investigation, it is for the Investigating Agency to find out the truth. On conclusion of investigation, the Investigating Agency would either submit final report or charge sheet taking into consideration the outcome of investigation. In my view, it would not be proper for this Court to examine the defence of the petitioner for the purpose of quashing of the F.I.R.

Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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