

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.857 of 2014

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Ram Chandra Prasad Son of Sri Bal Kishun Ram, resident of village-
Nanhaul, P.S.- Pakri, Distt.- Balia (U.P.)

.... Petitioner

Versus

1. The State of Bihar, the Principal Secretary, Water Resources Department, Government. Patna.
2. The Engineer-in-Chief (North) Department of Water Resources, Government, Patna.
3. The Superintendent of Police, Aurangabad.
4. The Deputy Superintendent of Police, Aurangabad.
5. The Station House Officer, Kutumba Police Station, District- Aurangabad.
6. Kameshwar Sah, son of Baldeo Sah, resident of Village- Balibhadra Patti, P.S. Uchka Gave, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate.
For the Respondent No. 6 : Mr. Aniruddha Kr. Verma, Advocate.
For the State : Mr. Manish Kumar, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present petition has been filed for quashing
the First Information Report in connection with Kutumba P.S.
Case No. 59 of 2014 as regards the petitioner.

3. Learned counsel for the petitioner submits that
the F.I.R. has been instituted against him along with co-accused
Rajendra Prasad Srivastava for not producing the sanctioned
estimate and the approved bill of quantity which had been
received by the petitioner on 13.05.2007 which has been made to

disappear under conspiracy by the said two accused persons. It is submitted that as a matter of fact the petitioner had merely received authenticated copies of the documents rather than the originals.

4. Learned counsel for the State on the other hand relies on Annexure-C to the counter affidavit to show that the petitioner had received documents in question and have been acknowledged by the petitioner.

5. This Court is of the view that the F.I.R. prima facie appears to disclose a cognizable offence and in any event whether or not the petitioner received the original documents or merely authenticated copies thereof is a disputed question of fact which cannot be adjudicated in a writ petition.

6. The writ petition is accordingly dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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