

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.330 of 2014

Arising Out of PS.Case No. -14 Year- 2014 Thana -Bheja District- MADHUBANI

1. Raushan Kumar Son of Uday Chandra Jha resident of Village- Rupauli, P.O-
Chunni, P.S- Madhepur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Old Secretariat, Bihar,
Patna
2. The Superintendent of Police, Madhubani.
3. The Officer- Incharge, P.S- Bheja, Madhubani.
4. The Block Development Officer, Madhepura.

.... Respondent/s

Appearance :

For the Petitioner/s : Ms Soni Shrivastava, Adv.

For the Respondent/s : Mr. Arvind Kumar, A.C. to SC-28

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-03-2015

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

The petitioner seeks quashing of the First Information
Report in connection with Bheja P.S.Case No.14 of 2014 registered
under section 409 read with 34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
the entire allegations made in the F.I.R. are erroneous on facts. She
has submitted that in course of enquiry the Block Development
Officer, Madhepur had found no irregularity in purchase of solar
lights. She has placed reliance on certain documents which have been
brought on record in defence.

In my view, the allegations made in the First Information Report do constitute a cognizance offence. At this stage, it would not be proper to rely on defence documents for the purpose of quashing the First Information Report. At the stage of investigation, it is for the investigating agency to consider as to whether or not any credence is to be given to the documents produced by the accused and in case an adverse police report is submitted, then the accused will have an opportunity to place reliance on those documents in course of trial at the stage of defence.

In that view of the matter, I find no merit in the application. It is, accordingly, dismissed.

(Ashwani Kumar Singh, J)

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