

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.704 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- SIWAN

1. Binay Kumar Singh S/o Sri Pashupati Nath Singh R/o C - 201, Prasharay Apartment, Ara Garden, Jagdeo Path, Bailey Road, P.S. Rupaspur, Distt. - Patna presently working as Program officer, Barun, Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Government 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, Siwan
11. The Junior Engineer, MANREGA, Jiradei, Siwan
12. The Panchayat Technical Assistant, Jiradei, Siwan

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Surendra Kumar Singh, Adv.
Ms Tulika Singh, Adv.

For the Respondent/s : Mr. Avinash Nandan Sinha, G.P.IX

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-02-2015

This application under Articles 226 and 227 of the Constitution of India has been filed for quashing the F.I.R. of Nautan (Siwan Sadar) P.S.Case No. 65 of 2014 registered for the offences punishable under sections 409, 420 and 120-B read with 34 of the Indian Penal Code. The matter relates to embezzlement of

Government money in execution of different schemes.

It has been contended that the F.I.R. is based on an enquiry report submitted by the District Level Committee. However, subsequently, the State Level Committee also conducted an enquiry into the matter and found the allegation of embezzlement of Government money to be false.

Learned counsel for the petitioner has submitted that the only concern of the petitioner is that while conducting investigation of the case, the Investigating Officer should consider both the reports before coming to any final conclusion.

On the other hand, learned counsel for the State has submitted that the F.I.R. discloses commission of a cognizable offence. The prayer of the petitioner is to quash the F.I.R. The defence of the petitioner cannot be a ground for quashing of the F.I.R. However, he has submitted that the investigating agency would consider each and every material collected in course of investigation in a fair and impartial manner.

Be that as it may, having regard to the facts and circumstances of the case, the prayer of the petitioner for quashing the F.I.R. of the aforesaid police case cannot be allowed for the simple reason that the allegation made in the F.I.R. discloses ingredients of cognizable offence.

In that view of the matter, the application is dismissed.

However, it is expected that the investigating agency would consider all the materials collected in course of investigation dispassionately.

(Ashwani Kumar Singh, J)

Pradeep/-

U		T	
---	--	---	--