

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.16289 of 2014**

Arising Out of PS.Case No. -126 Year- 2010 Thana -LALIT NARAYAN UNIVERSITY District-  
DARBHANGA

- =====
1. (Dr.) Kashi Nath Jha Son Of Late Pandit Deonath Jha Resident Of Village- Deep, Via- Jhanjharpur, P.S- Madhepur, District- Madhubani ( Bihar) Presently Posted As Sahitya Byakhyata At Nandan Sanskrit Mavavidyalaya, Ishapur ( Madhubani)
  2. ( Dr.) Dwarika Nath Jha Son Of Late Pandit Kanj Nath Jha Resident Of Village- Deep, Via- Jhanjharpur, P.S- Madhepur, District- Madhubani ( Bihar), Presently Posted As Sahitya Byakhyata At Dahrma Samaj Sanskrit Mahavidyalaya, Muzaffarpur.

.... .... Petitioners

Versus

1. The State Of Bihar Through The Vigilance

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Shashi Nath Jha  
For the Opposite Party : Mr. Rama Kant Sharma, Sr. Adv.  
Mr. Rabindra Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL JUDGMENT

Date: 17-05-2016

Heard learned Counsel for the petitioners and learned  
Counsel appearing for the Opposite Party.

This application has been filed seeking quashing of  
the entire proceedings arising out of L.N.M.U. Police Station  
Case No. 126 of 2010 (corresponding to G. R. No. 1995 of  
21010), pending in the Court of the Special Judge, Vigilance,  
North Bihar, Muzaffarpur, registered for the offences punishable  
under Sections 409, 467, 468, 471, 197, 218, 120B of the

Indian Penal Code and Section 13/14 of the Prevention of Corruption Act, 1988.

The First Information Report was registered on the basis of the written report of the then Regional Deputy Director (RDD) of Education, Darbhanga, with allegations of making illegal appointments, regularization of services and financial irregularities by the then Vice Chancellor of Lalit Narayan Mithila University, Darbhanga and other officials of the said University.

The petitioners are not named in the First Information Report. They appear to be beneficiaries of the illegal appointments/regularization of services of teacher in various Colleges under the said University.

It is the case of the petitioners that there is no illegality in their appointments and their engagement are genuine and valid.

On the basis of the contents of the First Information Report, it cannot be said that no cognizable offence is made out. The defence taken by the petitioners in the present application cannot be gone into for exercising extra-ordinary power under Section 482 of the Code of Criminal Procedure for the purpose of quashing of the First Information Report.

I do not find any merit in this application. This application is accordingly dismissed.

It will be, however, open to the petitioners to take such plea as has been taken in the present application at the stage of framing of charge or any subsequent stage, as may be permissible to them in accordance with law.

**(Chakradhari Sharan Singh, J.)**

Prabhakar Anand/-

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