

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.628 of 2015

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

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Gauri Shankar Prasad (J.E. Barahat Block) son of Ram Nath Prasad, resident of village- Mahuaria, P.S. – Shivhar, District - Shivhar.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Banka.
4. The Officer Incharge Banka (Barahat) Police Station, District- Banka.
5. Vijay Kumar Sinha (Informant), the then Programme Officer, Barahat, P.S.- Barahat, District Banka son of Late Surendra Mohan Prasad, resident of village- Usti, P.S.- Baniyapur, District - Chapra, State of Bihar.
6. The District Transport Officer, Banka being member of an Enquiry Team of the alleged occurrence.
7. The Executive Engineer (Manrega) D.R.D.A. Banka being member of an enquiry team of the alleged occurrence.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Respondent/s : Mr. Anshuman, G.P.-24

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-02-2016

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

By way of the present application under Articles 226 and
227 of the Constitution of India , the petitioner seeks quashing of the
first information report of Banka (Barahat) P.S.Case No.126 of 2014
registered under Sections 406, 409 and 420 read with 34 of the Indian
Penal Code

2. Learned counsel for the petitioner has contended that the
petitioner being a Junior Engineer was not involved in any manner

with the execution of the schemes, in question, under which it has been alleged that defalcation has taken place. It has been further contended that in one another case instituted against the petitioner in which on completion of investigation the police have submitted final report on completion of investigation.

3. On the other hand, learned counsel for the State has contended that the informant Vijay Kumar Sinha, a Programme Officer, Banka, has alleged that the petitioner in conspiracy with other officials defalcated public money by withdrawing the same without executing several schemes of the Government.

4. I have heard respective counsel for the parties and perused the allegations made in the FIR as contained in annexure 2 to the present application. The allegations do attract ingredients of a cognizable offence.

5. In that view of the matter, I do not find any merit in the present application. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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