

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.270 of 2016

=====

1. Prem Shankar Jha, Son of Sri Umesh Chandra Jha, R/O Village- Gohi,
P.S.- Warishnagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Home Department, Government of Bihar, Patna.
4. The Principal Secretary, Excise Department, Government of Bihar, Patna.
5. The Commissioner, Excise Department, Government of Bihar, Patna.
6. The Director General-Cum-Inspector General of Police, Bihar, Patna.
7. The District Magistrate, Samastipur, District- Samastipur.
8. The Superintendent of Police, Samastipur, District- Samastipur.
9. The Deputy Superintendent of Police, Samastipur, District- Samastipur.
10. The Officer-In-Charge Samastipur. (Town) Police Station, Samastipur.
11. The Investigating Officer, Samastipur (Town) Police Station Case No. 292/2015, District- Samastipur.
12. The Superintendent of Excise, Samastipur, District- Samastipur.
13. The State Bank of India through the Chairman-Cum-Managing Director, State Bank of India, Mumbai, Maharashtra.
14. The Chief General Manager State Bank of India, Zonal Officer, Patna.
15. The Chief Manager, State Bank of India Branch- Kachhari Compound (Court Campus), Samastipur, District- Samastipur.
16. Mr. Anil Kumar Sinha, Son of Not Known to the petitioner, the superintendent, Excise Samastipur, District- Samastipur.
17. Mr. Janardan Prasad, Son of Not Known to the petitioner, the Sub-Inspector, Excise, Samastipur, District- Samastipur.
18. Mr. Gautma Sharma, Son of Not Known to the petitioner, the then Chief Manager, State Bank of India, Branch- Kacchhari Compound (Court Campus), Samastipur, District- Samastipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar
For the Respondent/s : Mr. Anil Kumar, AC to SC-8
For the Bank : Mr. Satyapraksh Tripathy

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 28-07-2016 Heard learned counsel for the parties.

This application under Articles 226 and 227 of the
Constitution of India has been filed for quashing of the First

Information Report of Samastipur Town P. S. Case No. 292 of 2015, disclosing offences under Sections 406,420,467,468,471,474, 198/120B of the Indian Penal Code.

According to the prosecution, the petitioner had made two *Fixed Deposits* with the Samsatipur Branch of State Bank of India, having their maturity as on 29.06.2015 and 30.06.2015 of Rs. 5,15,000/- and Rs. 8,73,000/- respectively. The petitioner is said to have used the receipts issued by the Bank in relation to the said fixed deposits as guarantee for the purpose of grant of licence in his favour for running a liquor shop with the Excise Superintendent, Samastipur. On the other hand, he lodged an informatory with the Warslinagar Police Station to the effect that he had lost the said receipts and on that basis, he got issued duplicate terms deposit receipts. It was not made known to the Bank that the said receipts had been pledged with Excise Department. Subsequently, on maturity of the term deposits, by playing misrepresentation and fraud, he got the maturity amount transferred in his account and withdrew the amount through ATM.

In view of the allegation as noted above, cognizable offence is made out. There is no convincing ground for quashing of the FIR in a proceeding under Articles 226 and

227 of the Constitution of India.

Further, it has been pointed out that the petitioner's application for grant of anticipatory bail came to be dismissed by this Court by an order, dated 17.02.2016 passed in Cr. Misc. No. 194 of 2016 with a liberty to the petitioner to surrender before the Court below but he has not surrendered.

Considering the facts and circumstances of the case, I do not consider it to be a fit case for quashing of the First Information Report, in exercise of power under Articles 226 and 227 of the Constitution of India.

This application is, accordingly, dismissed.

Learned counsel for the petitioner has submitted that the case should not be allowed to be investigated by the State Police, since they are lacking impartiality in his case and the investigation should be handed over to some other agency. I do not find any sufficient ground to accede to such request.

It goes without saying that he shall have liberty to approach the Superintendent of Police, Samastipur, in this regard, if he has any grievance against the Investigating Officer in this regard.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--