

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14844 of 2016

Arising Out of PS.Case No. -397 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

Kiran Kumari

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.I/C Vig.)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2016

The present application has been filed for quashing the FIR of Kishanganj P.S. Case No. 397 of 2015 registered under Section 420 of the IPC and 8 and 9 of the Prevention of Corruption Act.

The prosecution case is that the petitioner being the Angan Barhi Sewika was trapped while accepting the illegal gratification of ₹2,000/-.

It is submitted by the learned counsel for the petitioner that maliciously the accusation has been levelled and the post trap and pre trap memo were subsequently being prepared.

Learned counsel for the Vigilance submits that still the investigation has not concluded.

In view of this Court, the prosecution of a cognizable

offence can only be quashed if the accusation does not constitute prima facie offence or the prosecution is barred under certain law. Moreover, there is nothing on record to suggest the present stage of the investigation. Hence, this Court is not inclined to interfere at this stage.

Accordingly, the application is disposed of with liberty to the petitioner to raise all the contention on submission of final report under Section 173(2) of the Cr. P.C.

It is expected from the investigating agency to conclude the investigation expeditiously.

(Dinesh Kumar Singh, J)

Amrendra/-

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