

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28386 of 2013

Arising Out of P.S. Case No. -6 Year- 2011 Thana -SIKTI District-
ARRARIA

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1. Vinod Kumar Paswan, S/o Gorelal Paswan, Resident of Village-
Madhura West, P.S.-Fulkaha (Narpatganj), District-Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. P.N. Pathak, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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

ORAL JUDGMENT

Date: 16-05-2016

Heard the parties.

2. This application has been filed seeking
quashing of the First Information Report of Sikty P.S. Case
No.06 of 2011, registered for the offences punishable under
Sections 406 and 420 of the Indian Penal Code.

3. The petitioner, at the relevant point of time,
was posted as Junior Engineer, on deputation, under National
Rural Employment Programme in Zila Parishad, Araria.



4. Learned Senior Counsel, appearing on behalf of the petitioner has submitted that the allegations made in the First Information Report, read with other documents, do not constitute any criminal misconduct against the petitioner and, therefore, the First Information Report is fit to be quashed, in exercise of power under Section 482 of the Code of Criminal Procedure.

5. I have perused the First Information Report. It is difficult to hold, at this stage, that no offence is made out, on the basis of what has been alleged against the petitioner in the First Information Report. My attention has been drawn to certain documents in support of petitioner's case that he has been unnecessarily implicated in the present criminal case. Law is well settled that while exercising jurisdiction, under Section 482 of the Code of Criminal Procedure, for quashing of the First Information Report, the Court is not required to look into the documents brought on the record by way of Annexures or statements on affidavit.

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

7. It has been pointed out that the police, upon completion of investigation, have already submitted charge-sheet.

8. It goes without saying that the petitioner shall

have at liberty to appear before the court below and raise any point, which have been raised in the present application, at the time of taking of cognizance or framing of charge.

9. The petitioner has so far not applied for bail. It is directed that if he appears before the learned court below, within a period of four weeks from today, and seeks regular bail, his application shall be considered, without any prejudice to rejection of present application, preferably on the same day.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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