

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33999 of 2013

Arising Out of P.S. Case No. - 135 Year - 2010 Thana - BODHGAYA District -
GAYA

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Arvind Kumar Pandey, S/o Shri Jai Narayan Pandey, the
then Principal, Shri Mahanth Giri Harihar Sanskrit
Mahavidyalaya, Bodh Gaya, P.S - Bodh Gaya, District -
Gaya, Resident of Village - Rajapur, P.O+ P.S - Bodh Gaya,
District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Satyavrat Verma (A.P.P.)

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

ORAL ORDER

2 10-03-2016

Heard the parties.

This application has been filed seeking quashing
of the entire proceeding arising out of First Information
Report of Bodh-Gaya P.S. Case No.135 of 2010,
registered for the offences punishable under Sections
197, 218, 409, 420, 468 read with Section 120(B) of the

Indian Penal Code and Sections 13 and 14 of the Prevention of Corruption Act. The said First Information Report was instituted on the basis of written report of the District Education Officer, Gaya, dated 28.06.2010, under the direction of Secretary, Human Resource Development Department, Government of Bihar.

It appears from Annexure-1 of the present application that the petitioner had earlier approached this Court by filing an application, under Articles 226 and 227 of the Constitution of India, seeking quashing of the said First Information Report, which was disposed of by this Court *vide* judgment and order, dated 06.09.2010, passed in CR. WJC No.675 of 2010, in following terms:-

"..... Heard the counsel for the parties. The Universities are autonomous bodies and governed by Universities Act, 1976. The Government cannot interfere in day to day affairs of the University, save and except those provided in the Act like Sections 35, 48 and 54, etc. The Universities Act provides sufficient provisions to deal with illegal appointment and recovery of the amounts unauthorizedly so paid in appropriate cases. However, if the prosecution case discloses a

cognizable offence, the police can investigate the same. This Court at the thresh-hold would not make roving enquiry in respect of the same, though, subsequently it may or may not turn out that allegations are misfounded. At this stage, this Court does not think it appropriate to quash the First Information Report at the thresh-hold, as it conveys a cognizable offence.

It appears that as the First Information Report has been made unaffidavited complaint and petitioners were not provided an opportunity to meet the allegations leveled in the complaint filed by one Balram Mishra, which found that the main bases for institution of the case, I am inclined to grant them opportunity to represent his case before Superintendent of Police, Gaya, who will examined the matter.

No coercive steps would be taken against the petitioners for a period of six weeks.

With the aforesaid observation, this application is disposed of."

Learned counsel, appearing on behalf of the

petitioner, submits that till date the police have not submitted the charge-sheet.

For the reason that the petitioner had earlier approached this Court, though in a different jurisdiction, seeking the same relief as sought for in the present application, I am not inclined to entertain the same.

It goes without saying that the police shall take into account and consider any document or evidence made available by the petitioner in support of his claim that he is not liable for commission of the offence as alleged against him.

With the above observation, this application is disposed of.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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