

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.873 of 2016

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

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1. Raj Nath Chaudhary Son of Late Mishri Lal Chaudhary Resident of Village-
Mithapur P.S.Garkha District Saran

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary Home Department, Bihar,
Patna
2. Sarwa Nand Jha son of Late Dukh Mochan Jha at Present Divisional Manager
Bihar State Road Transport Corporation Dharbhanga, resident of Jai Nagar
P.S.-Jainagar, District-Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Advocate

For the Respondent/s : Mr. Dhurendra Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-11-2017

Heard learned counsel appearing for the parties.

2. This writ application has been filed for quashing the F.I.R. of L.N.M. University P.S. Case No.92 of 2016 in the district of Darbhanga registered against the petitioner and others for offences under Sections 420/409/467/468/471/120B of the Indian Penal Code. The prayer is on the ground that no specific allegation is there against the petitioner disclosing commission of cognizable offence. Hence, prosecution of the petitioner would amount to an abuse of the process of the Court.

3. According to First Information Report, at Annexure-1, the allegation is that on the basis of audit report it came to the light that the petitioner and other seven named persons were involved in



financial irregularity and misappropriation of public money in huge amount. The period of misappropriation is mentioned therein.

4. Submission of the learned counsel for the petitioner is that petitioner was posted there only for one and half year and he retired from there in the year 2008.

5. The period of posting of the petitioner, as claimed by the petitioner, is covered by the audit period in between 01.01.2004 to 31.12.2013. Though there is no specific allegation against petitioner as mentioned in respect of other co-accused. However, the law is well settled that F.I.R. need not be an encyclopedia of every detail.

6. Since the F.I.R. discloses commission of cognizable offence even suspicion against the petitioner to have committed the said offence would be sufficient to permit the investigation/trial of the case. Therefore, I am not inclined to interfere with the F.I.R. and accordingly, this writ application stands dismissed as devoid of any merit with liberty to the petitioner to raise his grievance at the stage of charge in the event of filing of charge sheet against the petitioner.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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