

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.50 of 2017

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Ravi Bhushan Kumar @ Ravi Bhushan Kumar Yadav Son of Kanhai Lal Yadav
Resident of Village-Sangrampur, P.S. Sonbarsha, District-Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through the Director General, Vigilance Cell, Government of Bihar, Patna.
2. The Superintendent of Police , Vigilance Investigation Bureau, Bihar, Patna
3. Sri Vidhyanand Pathak, the Inspector, Vigilance Investigation Bureau, Regional Office, Muzaffarpur
4. The Superintendent of Police ,Sitamarhi.
5. The S.H.O. Sonbarsha Police Station, District-Sitamarhi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narayan Singh, Adv.

For the Respondent/s : Mr. Suman Kumar Jha, A.C. to A.A.G.-3.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-10-2017

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner is accused in connection
with Sonbarsha P.S.Case No.129 of 2016 registered under
Sections 409, 467, 468, 471 and 120(B) of the Indian Penal
Code.

3. The petitioner has invoked the writ
jurisdiction of this Court for quashing the aforesaid F.I.R. on
the ground that no offence for which F.I.R. has been
registered is made out against the petitioner.

4. Allegation in the first information report



is that the petitioner was appointed as teacher by producing a forged and fabricated marksheet. Though the petitioner had got only 500 marks, he produced marksheet of 685 total marks. Further allegation is that the petitioner in his application form also mentioned that he had obtained 685 marks. On verification of the certificate produced by the petitioner, the aforesaid forgery was detected and F.I.R. was lodged.

5. On the basis of the forged certificate, the petitioner got himself appointed knowing well that no candidate of the category of which the petitioner belonged having 500 or any marks nearby 500 was selected and appointed.

6. Submission of the learned counsel for the petitioner is that the petitioner obtained information under the Right to Information Act. The information was supplied that though in the application form 685 marks was mentioned by the petitioner but the genuine marksheet of 500 marks was attached with the application. Some one else might have attached forged marksheet.

7. The aforesaid disputed fact cannot be a ground to quash the F.I.R., that may be looked into during the investigation/trial of the case. The petitioner would be at



liberty to raise his defence at the appropriate stage of the investigation or the trial. Since prima facie material disclosing offence is there, hence I am not inclined to quash the impugned F.I.R.

8. The writ application stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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