

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 88 of 2017

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

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Rupesh Kumar Yadav, Son of Vikram Yadav, Resident of Village -
Madhusudanpur, P.S. - Nathnagar, District - Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Bihar, Patna
2. The Central Selection Board of Constable Bihar, Patna through its Secretary.
3. The Secretary, Central Selection Board of Constable, Bihar, Patna.
4. Officer on Special Duty, Central Selection Board of Constable, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mritunjay Prasad Singh, Advocate
For the State : Mr. Shailesh Kumar, A.C. to G.P. 5
For the C.S.B.C. : Mr. Sanjay Pandey, Advocate
Mr. Binod Kumar Mishra, Advocate
Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-11-2017

Heard learned counsel for the parties.

This writ application has been preferred for quashing the FIR of Budhha Colony P.S. Case No. 260 of 2015 registered against the petitioner and five others for offences under Sections 419, 420, 467, 468 and 471/34 of the Indian Penal Code vide Annexure-3.

According to FIR, the petitioner along with others was a candidate for appointment on the post of constable in pursuance of Advertisement No. 01 of 2014. The petitioner and others were finally selected. However, on the basis of confidential information, an inquiry was conducted and it was found that some other person had appeared in the written examination impersonating himself as the petitioner. The same was verified and found established on the basis



of signature of the candidate appearing in the examination, his LTI etc. which differed from that of the petitioner. Later on, the petitioner confessed that one Pradeep Kumar had appeared on his behalf and for that Pradeep had charged Rs.50,000/- from the petitioner.

Submission of the learned counsel for the petitioner is that after conclusion of selection process, the FIR has been lodged only on the basis of confidential information. The signature/LTI etc. have not been scientifically verified. In fact, the petitioner had appeared in the examination.

The aforesaid submission could be considered at the stage of investigation and at the appropriate stage of hearing on charge, if the police submits charge sheet after conclusion of the investigation.

However, this writ Court cannot look into the aforesaid defence to consider whether the FIR discloses any cognizable offence against the petitioner or not.

Hence, this writ application is dismissed as devoid of any merit.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	10.11.2017
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