

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14378 of 2017

Arising Out of PS.Case No. -74 Year- 2016 Thana -BEERPUR District- BEGUSARAI

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Kamleshwari Mahton son of Munshi Lal Mahto, resident of village- Sakrauli, P.S.-
Chiraya Bariarpur, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-12-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing of First Information Report (for short 'FIR') of Birpur P.S. Case No.74 of 2016 registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code (for short 'the IPC').

2. It is submitted by the learned counsel for the petitioner that on the basis of allegations made in the FIR, none of the ingredients of any cognizable offence is made out against the petitioner and, thus, the institution of the FIR and its investigation by the police is not permissible in law.

3. On the other hand, learned Additional Public Prosecutor



for the State submitted that the allegations made in the FIR do constitute offence punishable under Sections 409 and 420 of the IPC. He submitted that the same also constitute some other offences which are cognizable in nature. He submitted that there is allegation that looking at the large scale of bungling in appointment of Panchayat Teachers, the matter was handed over to the Vigilance Investigation Bureau for investigation by an order passed by this Court in Public Interest Litigation. It transpired during investigation that the petitioner being an Ex-Panchayat Sachiv deliberately removed the merit list prepared for employment of Panchayat Teachers for the years 2003, 2005 and 2006 and, on repeated requests, he did not make them available. He submitted that the aforesaid allegations would certainly constitute offences of serious nature, as the petitioner is alleged to have made an effort to cover up the same.

4. I have heard learned counsel for the parties and perused the FIR.

5. The allegations made in the FIR are quite serious. The matter is under investigation. By now, the investigation of the case which was instituted on 09.08.2016 must have reached to an advanced stage. Having regard to the allegations made in the F.I.R., it cannot be said that the same do not constitute any offence.

6. In that view of the matter, I am not inclined to quash the



FIR.

7. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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