

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35418 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -KHIJARSARAI District- GAYA

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Shashi Bhushan Kumar S/o Narsingh Narayan resident of Village- Chiraili,
P.S.- Khizersarai, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 04-05-2017

Heard learned counsel for the petitioner and

Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for quashing the First Information Report of Khizersarai P.S. Case No. 57 of 2016 registered under Sections 409 and 420 of the Indian Penal Code.

The prosecution case got initiated on the written report of one Janardan Chaudhary, Block Education Officer, Khizersarai to the effect that in 2006 certain amount was allocated to Middle School, Kutlupur, Khizersarai and the petitioner being the Headmaster misappropriated the fund.

It is submitted by learned counsel for the petitioner that the construction has been made to the tune of the



money disbursed to the petitioner.

It is settled legal proposition that the prosecution of cognizable offence can be quashed if the accusation does not constitute any, prima facie, offence or the prosecution is barred under any law or malafidely institutes to wreak vengeance. Moreover, there is nothing on record to suggest the present stage of the investigation as the FIR was registered on 29.03.2016.

Accordingly, this application is disposed of with liberty to the petitioner to raise all the contentions at the appropriate stage of the proceeding.

(Dinesh Kumar Singh, J)

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