

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1727 of 2018

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Surendra Ram, S/o Late Rambilas Ram, R/o Vill.- Jurahi, P.O. - Umga,
P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Home Department.
2. D.M & Collector Aurangabad District-Aurangabad.
3. Superintendent of Police, Aurangabad, District Aurangabad.
4. B.D.O. Deo Block, District- Aurangabad.
5. Officer Incharge Aurangabad Muffasil, District Aurangabad.
6. Nageshwar Ram, S/o Kesho Ram, R/o Vill.- Pema, P.S.- Madanpur,
District- Auranbabad, Panchayat - Secretary Pawai, Block- Deo District-
Aurngabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.
For the Respondent/s : Mr. Md. Nadeem Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 10-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is seeking quashing of the F.I.R. being
Aurangabad Muffasil P.S. Case No. 59 of 2018 dated 16.04.2018
filed under Sections 406, 420, 409, 467, 468, 471 and 120 (B) of
the Indian Penal Code.

Learned counsel for the petitioner has strenuously argued
and submitted that the F.I.R. has been lodged without there being
any verification of the allegations by any competent authority and
even as no audit report has pointed out such misappropriation in



the hand of this petitioner. Learned counsel submits that the District Magistrate, Aurangabad, has already constituted a fact finding enquiry and vide order as contained in Annexure 4 to the writ application a team has been constituted for that purpose. It is submitted that after lodging of the F.I.R. and in course of investigation the Mukhia who is also one of the accused in the case has been given liberty to deposit the amount as per his own assessment for which necessary permission is granted by this Court.

On the other hand, learned counsel representing the State submits that a bare reading of the F.I.R. would show that the allegations, if found true in course of enquiry, would constitute an offence under the Indian Penal Code and, therefore, at this stage, when the investigation is still going on and the F.I.R. prima facie indicates that there are allegations of misappropriation of public money, this Court would not interfere by intercepting with the investigation.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that the F.I.R. would reveal some allegations against the petitioner, however, the same is still pending investigation, therefore, at this stage, it would not be just and proper to interfere with the investigation in question.



So far as the request of learned counsel for the petitioner is concerned that the petitioner be also given liberty to deposit the amount, this Court would not indulge in the said exercise as it is for the petitioner to represent it before the concerned District Magistrate who can consider the request of the petitioner and take an appropriate view taking note of the entire allegations and the materials available before him. The issues which the learned counsel for the petitioner has tried to raise to show his innocence in the present case may be brought to the notice of the Investigating Agency and the same may if brought to the notice of the Investigating Agency be looked into for the purpose of a fair investigation and submission of the report in accordance with law.

This application is disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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