

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2576 of 2015

Arising Out of PS.Case No. -101 Year- 2012 Thana -BIKRAM District- PATNA

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1. Manoj Kumar S/o Sri Mahendra Prasad Singh Resident of Mohalla
Biratpur, Police Station Town, P.S. Aurangabad, District Aurangabad
(Bihar). Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

7 19-03-2018 Heard learned counsel for the petitioner and learned

APP for the State.

This application has been filed for quashing the
order dated 03.12.2014 passed by learned Judicial Magistrate, 1st
Class, Danapur, Patna in Vikram P.S. Case No. 101 of 2012 (Trial
No. 2213 of 2014) by which the discharge petition filed by the
petitioner has been rejected, finding prima facie case is made out
against the petitioner for offences under Sections 465 and 471 of
the Indian Penal Code. However, the petitioner has been
discharged under Sections 469 and 420 of the Indian Penal Code.

First Information Report has been lodged by the
Principal of Jawahar Navodaya Vidyalaya, Bikram, Patna alleging
therein that petitioner was Trained Graduate Teacher of physics
and while he was posted in the aforesaid school(during suspension



period), Letter No. F.P.F. (Manoj) JNVP/2010/1035 dated 18.07.2010 was issued to him by the Principal, Jawahar Navodaya Vidyalaya. The aforesaid letter was addressed to The Commissioner, Navodaya Vidyalaya Samiti which was issued under signature of Ex-Principal Sri. A.K. Mahto.

Learned counsel for the petitioner has submitted that the alleged letter mentioned in the F.I.R. bearing letter no. 1035 dated 18.07.2010 was issued under the signature of Ex-Principal, Sri. A.K. Mahto addressed to the Commissioner, Navodaya Vidyalaya Samiti informing that he was compelled under extreme pressure by Sri. A.K. Sukla, Deputy Commissioner to take action by preparing a story against Manoj Kumar.

The petitioner who appears in person, has submitted that he has no concern with the issuance of aforesaid letter. The only allegation is that the petitioner has fabricated the letter. The said letter was found forged after enquiry conducted by enquiry committee constituted by Zonal Office, Patna.

Status report was called for from the court below which has been received. It is mentioned in the report that case is



fixed for framing of charge.

The petitioner had filed petition against the order dated 3.12.2014 which was rejected by the learned Magistrate. The learned Magistrate in the aforesaid order has stated that there is strong suspicion to frame charge and prima-facie case is made out for taking cognizance of the offence under Sections 465 and 471 of the IPC.

The case diary has been received. From allegation in the written report and case diary, this Court does not find any ingredients for offence under Sections 465 and 471 of the IPC. Therefore, the impugned order dated 03.12.2014 passed by court below in Vikram P.S. Case No. 101 of 2012 (Trial No. 2213 of 2014) along with entire criminal proceeding against the petitioner is hereby quashed.

This criminal miscellaneous application is allowed.

(Sanjay Priya, J)

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