

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51188 of 2014

Arising Out of PS.Case No. -30 Year- 2009 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Smt. Asha Kumari, Wife of Shri Bibhuti Narayan Tiwari, Resident of Village-
Azad Road, Chandwara Mohalla, P.S.- Town Thana, Muzaffarpur, District-
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Verma, Adv.
For the State : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 15-01-2018

Heard learned counsel for the petitioner and the State.

This petition has been filed for quashing the impugned order dated 07-11-2014 passed by Sri Rama Nand Ram, learned SDJM, Motihari in T.R. No. 1581 of 2014 arising out of Rajepur P.S. Case No. 30 of 2009 whereby and whereunder, the learned Magistrate has been pleased to dismiss the application filed u/S 239 Cr.P.C.

It is alleged in the written report that the petitioner was Block Education Extension Officer, Tatariya Block. He did not make available Stock Register, Distribution Register etc. of foodgrains for Mid Day Meal in spite of the repeated letters No 1 (Camp) dated 23-10-2008 and letter No. 669 dated 03-11-2008 issued under the



signature of District Education Officer and as per the order given by District Magistrate, East Champaran, Motihari. It is further alleged that the petitioner did not make available her residential address on demand and on the basis of aforesaid written report of SDEO, Motihari, FIR was lodged against this petitioner, being Rajepur P.S. Case No. 30 of 2009 u/S 409 of the Indian Penal Code and police after investigation, submitted charge sheet against the petitioner for offence u/S 409 of the Indian Penal Code and the petition filed by the petitioner u/S 239 Cr.P.C. for discharge was rejected by the impugned order.

Counsel for the petitioner has submitted that she was not posted at Tetariya Block at the relevant time. She has already retired from service on 31-01-2014 as Headmaster Rajkiya Buniyadi Vidyalaya, Amarahi, Nawada, Arrah. The petitioner is facing departmental proceeding for the same charges.

In para-9 of the petition, it has been mentioned that the petitioner was posted as Block Education Extension Officer, Tetariya, Motihari, East Champaran in the year, 2007. Thereafter, she was transferred by Memo No. 352 dated 13-03-2009 (Annexure-2) and she was given dual charge of Tetariya and Fenhara Block till permanent arrangement in Tetariya is made.

In such circumstances, this court does not find any



illegality in the impugned order passed by the court below.

Accordingly, this petition filed on behalf of the petitioner is dismissed.

The court below is directed to proceed in the trial in accordance with law after framing charge in the case.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19-01-2018
Transmission Date	19-01-2018

