

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7254 of 2015

Arising Out of PS. Case No.-60 Year-2013 Thana- C.B.I CASE District- Patna

Md. Zahoorul Haque@Md. Jehrul Haq S/o Late Md. Abbas Ali Resident of
Mohalla- Buddhu Chak, New Officer Colony, P.S. Korha, District Katihar.

... .. Petitioner

Versus

The State Of Bihar through Vigilance Department

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Adv
For the Opposite Party/s : Mr.Ramakant Sharma/O.I.C. Vig.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-06-2019

Heard learned counsel for the parties.

2. Petitioner is an accused in connection with
Vigilance P.S.Case No.60 of 2013 registered under Sections
409,420,467,468,471,477A and 120B of the Indian Penal Code
as well as under Section 13(2) read with Section 13(1) (d) of the
Prevention of Corruption Act, 1988.

3. Allegation against the petitioner is that while he
was posted as Executive Engineer, (NREP) Local Area
Engineering Organization Work Division, Bhagalpur he passed
measurement report in respect of eight Government schemes
acknowledging the fact that work has been completed whereas
work was not completed. The aforesaid report was submitted in
collusion with Assistant Engineer- Dhrub Prasad Munshi who



was contractor of the Govt. schemes. The FIR was lodged after preliminary enquiry by the vigilance. The petitioner has challenged the order of cognizance dated 26.11.2014 passed in the aforesaid case corresponding to Special Case No.20 of 2013 pending before the court of learned Special Judge, Vigilance-II, Patna.

4. After hearing the parties, I do not find any merit in the ground that the allegation made in the FIR on their face value does not disclose a cognizable offence made out against the petitioner and even if any non-cognizable offence is made out, investigation of the same is not permissible, except under order of the learned Magistrate.

5. After hearing the parties and after going through the record, I do not find that cognizable offence is not disclosed in the FIR against the petitioner. Apparent allegation of embezzlement of public money is there. Petitioner is a Govt. servant having specific allegation of submission of measurement report showing completion of the work whereas the work was not completed at all in respect of eight referred Govt. schemes. Hence, prima facie material is there against the petitioner for proceeding with the trial.



6. Accordingly, this application is dismissed as
devoid of any merit.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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