

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.772 of 2019

Arising Out of PS. Case No.-525 Year-2015 Thana- KHAGARIA District- Khagaria

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1. Manish Kumar, S/o Brajnandan Prasad, Resident of Village-Chanduaara, Post- Punha, P.S.- Rahui, District- Nalanda.
 2. Pramod Kumar, S/o Mohan Prasad, R/o Village and Post- Panwari, P.S.- Sikrahata, District- Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police-cum-I.G. of Police, Bihar, Patna.
3. The Chairman of the Central Selection Board of Constable, Bihar, Patna.
4. The Secretary of the Central Selection Board of Constable, Bihar, Patna.
5. The Special Officer of the Central Selection Board of Constable, Bihar, Patna.
6. The D.I.G. of Police, Munger Range, Munger.
7. The S.P. of Khagariya.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Ranjit Jha, Advocate
For the Respondent-State:		Mr. Ajay Kumar, AC to GP-4
For the Respondents-CSBC:		Mr. Sanjay Pandey, Advocate
		Mr. Vivek Anand Amritesh, Advocate
		Mr. Binod Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-05-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioners for quashing the First Information Report (for short 'FIR') of Khagaria



(Muffasil) P.S. Case No.525 of 2015 dated 06.08.2015 registered under Sections 419, 420, 467, 468, 471, 353, 224 and 120B read with 34 of the Indian Penal Code.

2. On perusal of the allegations made in the FIR registered on the basis of written report submitted by Assistant Sub-Inspector of Police, Police Centre, Khagaria, it would be manifest that the selection of the petitioners against the post of Constable was made on the basis of fraud and forgery committed by them. Instead of petitioners some other persons had appeared in the examination. The alleged fraud could be detected on the basis of comparison of their signature, writing and left thumb impression with signature, writing and left thumb impression of the candidates who had appeared in the written examination.

3. The allegations made in the FIR would certainly attract ingredients of a cognizable offence.

4. In that view of the matter, no illegality can be found either with the institution of the FIR or its investigation. Moreover, from the record, it would transpire that on completion of investigation, the police have already submitted charge-sheet and on perusal of the charge-sheet, vide order dated 04.08.2016, cognizance has also been taken against the accused persons sent up for trial. What happened after 04.08.2016 is not known.



5. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2019
Transmission Date	10.05.2019

