

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 776 of 2019

Arising Out of PS. Case No.-941 Year-2015 Thana- AHYAPUR District- Muzaffarpur

1. Avinash Kumar, S/o Akshay Paswan, Resident of Village- Khardihan, Post- Chotaki-chenari, P.S.- Shivsagar, District-Rohtas.
2. Raju Sharma, S/O Ramraj Sharma, R/O Village- Kumhila, Post- Araruan, P.S.- Kargahar, District- Rohtas.

... .. 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, Muzaffarpur.
7. The S.P. of Muzaffarpur. Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Jha, Advocate
For the Respondent/s	:	Mr. Saroj Kumar Sharma, AC to AAG-3
For the CSBC	:	Mr. Sanjay Pandey, Advocate
		Mr. Vivek Anand Amritesh, 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 Ahiapur P.S. Case



No.941 of 2015 dated 09.10.2015 registered under Sections 419, 420, 467, 468, 471 and 120B 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 the signature, writing and left thumb impression 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.

5. 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 has not been disclosed by the petitioners.



6. 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

