

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.904 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- BEERPUR District- Begusarai

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Rita Kumari Wife of Dibakar Pandit D/o- Ram Sagar Pandit, Resident of
Village - Birpur, P.S.- Birpur, District - Begusarai.

... .. Petitioner

Versus

1. The State Of Bihar, Through The Police Inspector, Vigilance Investigation Bureau, Bihar, Patna
2. The Director General of Police Government of Bihar, Old Secretariat Patna.
3. The Superintendent of Police, Begusarai.
4. The Deputy Superintendent of Police, Birpur, Begusarai.
5. The Officer-in-charge of Birpur Police Station, Begusarai

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Respondent/s : Mr.M. Nasrul Huda Khan

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 17-06-2019

The defects pointed out by the Stamp Reporter are
ignored.

2. Heard learned counsel for the petitioner and
learned counsel for the State.

3. This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioner for
quashing the first information report in connection with Birpur
P.S. Case No. 101 of 2018 dated 25.08.2018 registered for the
offences punishable under Sections 467, 468, 471, 420 and 120-
B of the Indian Penal Code.



4. Learned counsel appearing for the petitioner submitted that the petitioner was appointed in the year 2006 by the Appointment Unit, Birpur West Block as panchayat teacher and was posted at Uchch Kanya Madhyamik Vidyalaya, Birpur, Begusarai. He contended that the certificates produced by the petitioner were all genuine and bonafide at the time of her appointment. However, on the basis of a false allegation that the petitioner obtained appointment on the basis of false matriculation certificate, she is being prosecuted in the present case. He has further contended that the appointment of the petitioner was not based only on the certificate of matriculation but also on the basis of the certificate of intermediate. There is no allegation that any forgery was made in the certificate of intermediate.

5. Per contra, learned counsel appearing for the State submitted that the first information report has been instituted on the basis of a preliminary inquiry having been conducted by the Vigilance Investigation Bureau, Bihar, Patna in the light of an order passed by this Court in CWJC No. 15459 of 2014. In the preliminary inquiry it was found that the appointments of several panchayat teachers in the Begusarai district were made on the basis of forged and fabricated certificates. As far as the



petitioner is concerned, it was found that in the matriculation certificate her name is Rita Kumari but for the said roll number and role code in the tabulation register of the Bihar School Examination Board name of Anita Kumari is shown. Hence, the petitioner is alleged to have obtained appointment on the basis of fake testimonial.

6. Having heard the parties, I find that the allegations made in the first information report do attract the ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory duty of the police. At this stage, the defence of the petitioner cannot be made a ground for quashing of the first information report.

7. In that view of the matter, I am not inclined to interdict the first information report at this stage. The application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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