

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.858 of 2019

Arising Out of PS. Case No.-105 Year-2017 Thana- KHODAWANDPUR District- Begusarai

Ranjana Devi @ Ranjana Kumari, W/o Subhash Kumar, Resident of Village-
Malpur, P.S.- Khodawandpur (Chhaurahi O.P.), District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through District Magistrate, Begusarai.
2. Deputy Inspector General of Police, Munger Range, Munger.
3. Superintendent of Police, Begusarai.
4. The S.H.O. Khodawandpur Police Station, Begusarai.
5. The Vigilance Investigation Bureau, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner : Mr. Jitendra Kumar, Advocate

For the Respondents : Mr. M. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 18-06-2019

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

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for quashing the first information report of Khodawandpur P.S. Case No.105 of 2017 registered under Sections 467, 468, 471, 420 and 120B of the Indian Penal Code.



3. Learned counsel appearing for the petitioner submitted that the prosecution of the petitioner in the instant case is nothing but an abuse of the process of the court. The petitioner is not a beneficiary of the alleged fraud having been committed by some of the candidates in obtaining employment as Block Teacher. He has contended that the preliminary inquiry conducted by Vigilance Investigation Bureau pursuant to the order passed by the court is perfunctory in nature and in absence of evidence against the petitioner, he has been named as one of the accused in the case.

4. *Per contra*, learned counsel appearing for the State submitted that pursuant to the order passed in a public interest litigation by a Division Bench of this Court, a preliminary inquiry was conducted by the Vigilance Investigation Bureau in which it was detected that since the year 2006, several candidates had obtained appointment as Panchayat Teacher, Block Teacher and teachers in elementary schools on the basis of forged and fabricated testimonials.



5. It is true that the petitioner is a Block Pramukh and is not a beneficiary of the alleged fraud in appointment of teachers.

6. On perusal of the first information report, I find that Rinku Kumari, Arun Kumar, Kumar Rohit Raj and Abhilasha Kumari obtained appointment as teachers and in course of preliminary inquiry it was found that their testimonials were fake. The case has also been registered under Section 120B of the Indian Penal Code.

7. Section 120B of the Indian Penal Code prescribes punishment of criminal conspiracy. The name of the petitioner is not given in the first information report. His role has transpired in course of investigation as a conspirator in fake appointments. The materials collected in course of investigation are not before me. The first information report was registered on 10th July, 2017. It has not been stated in the application by the petitioner that the case is still pending for investigation.

8. On query, learned counsel for the petitioner could not say whether the investigation is complete or not. In absence of complete instruction about the status of the case, it



would not be possible for this Court to come to any finding as to whether the materials collected by the police in course of investigation against the petitioner are sufficient for his prosecution or not. Even otherwise, this exercise has to be done by the court of Magistrate after the investigation is completed and a report under Section 173(2) of the Code of Criminal Procedure is submitted before the court.

9. The application filed by the petitioner is premature. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2019
Transmission Date	21.06.2019

