

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.909 of 2019

Arising Out of PS. Case No.-497 Year-2018 Thana- BARH District- Patna

Prahlad Kumar Son of Sri Shiyasharan Tanti Resident of Village - Kazichak,
Barh, P.S.- Barh, Distt - Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Police Department, Bihar, Patna.
4. Deputy Inspector General of Police, Patna Range, Patna -1.
5. Superintendent of Police (Rural), Gandhi Maidan, Patna - 1.
6. Sub - Divisional Police officer, Barh, District - Patna.
7. Station House Officer, Barh Police Station, Barh District - Patna.
8. Mr. Birendra Singh, Investigating Officer, Barh Police Station District - Patna.
9. Add. Chief Secretary, Home Department, Govt. of Bihar, Patna.
10. The Special Secretary - Cum - Director, Welfare Department, Govt. of Bihar, Patna - 1

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Vivek
For the Respondent/s	:	Mr. Harshwardhan Sundaram

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 Barh P.S. Case No. 497 of 2018
registered under Sections 419, 420, 467, 468 and 471 read with 34
of the Indian Penal Code.



3. Mr. Vivekanand Vivek, learned counsel appearing for the petitioner submitted that as far as the petitioner is concerned, his implication in the instant case is false, concocted and not reliable. He has contended that from the averments made in the FIR no offence is made out against the petitioner. Hence, the investigation against him would be nothing but an abuse of the process of the Court. He has further contended that the petitioner was selected in N.C. Railway in the year 2008 as Senior Ticket Examiner (S.T.E.) but he resigned from the job. He was also selected as Junior Accounts Assistant in Delhi Secretariat, but he left that job. He has appeared in the Jharkhand Public Service Commission and Bihar Public Service Commission examination in which he has passed the preliminary test examination. His credentials are sufficient to show that he is not a man of dubious character. His involvement in the case would jeopardize his entire career.

4. On the other hand, Mr. Harshwardhan Sundaram, learned counsel appearing for the State submitted that the allegations made in the FIR would clearly attract the ingredients of the offences alleged against the petitioner. He contended that the self-certification by the petitioner regarding his credentials cannot be made a ground for quashing of the legally instituted FIR.



5. The FIR has been brought on record as Annexure-1 to this application. On perusal of the same, I find that the same has been instituted on the basis of a written report submitted by one Rupesh Kumar. In the written report, he has stated that he is an educated unemployed youth and is preparing for competitive examination. One Nand Kishore Tanti contacted him and said that he would arrange a job for him and his brother. He stated that his wife Richa Kumari and his brother Prahlad Kumar have got close connection with several influential persons. His brother is employed in Secretariat, Patna. He took him to his brother Prahlad Kumar, who assured that he would certainly be given employment⁶. He told that if he would fail in ensuring his employment, his money would be safe. He promised to return his money even by selling his house. On the assurance given by Nand Kishore Tanti, Richa Kumari and Prahlad Kumar, he somehow managed Rs.16 lakhs and handed over the same to Nand Kishore Tanti and his brother Prahlad Kumar. On 01.02.2018, Nand Kishore Tanti handed over an appointment letter issued under the signature of the Registrar General, Patna High Court and asked him to give his joining in Vaishali civil court as peon. When he went to the civil court, Vaishali, he was told that the letter of appointment is forged one. When he contacted Nand Kishore



Tanti, he told that his problem would be sorted out. After some time, when he went to demand his money back, his uncle Baleshwar Tanti and his nephew confined him in a room. They threatened him that in case he would insist for his money, he would be killed.

6. On the basis of the aforesaid written statement, Barh P.S. Case No. 497 of 2018 has been registered and investigation has been taken up.

7. The aforesaid allegations made in the FIR do clearly attract the ingredients of the offences alleged against the petitioner and others named in the FIR. To hold investigation into a cognizable offence is the statutory right of the police. Hence, no illegality can be found either in the institution of the FIR in question or its investigation.

8. The application is devoid of any merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.06.2019
Transmission Date	24.06.2019

