

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.993 of 2019

Arising Out of PS. Case No.-307 Year-2019 Thana- SAHARSA District- Saharsa

1. Radha Kant Lal Das son of Surya Narayan Lal Das Resident of Village - Naya Bazar, Ward No.03, P.S.- and Dist.- Saharsa.
2. Shyam Kumar Verma son of Devkinandan Prasad Verma, Resident of Village - Jai Prabha Nagar, Kayasth Tola, Ward No.29, P.S. and Dist.- Saharsa.
3. Ashok Thakur son of Ramji Thakur, Resident of Ward No. 14, Panchmukhi Chowk, P.S.- and Dist.- Madhepura.
4. Molo Kamti son of Bhulan Kamti Resident of Village - Vasudeva, P.S.- Ghailarh, Dist.- Madhepura.
5. Dhiraj Kumar son of shyam Kumar Verma, Resident of Village - Jai Prabha nagar, Kayasth Tola, Ward No.29, P.S.- and Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar through the Law Secretary, Deptt. of Law, Govt of Bihar,
Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Ms. Kumari Amrita, GP-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 01-07-2019

The petitioners have been made accused in altogether seventeen cases for difference offences under the Indian Penal Code. The number of those cases have been mentioned in paragraph-5 of the writ petition. They are (i) Complaint Case No.548(c) of 2006 (ii) Complaint Case No.720(c) of 2006 (iii) Saharsa P.S. Case No.13 of 2007 (iv) Saharsa P.S. Case No.66 of 2007 (v) Saharsa P.S. Case No.67 of 2007 (vi) Saharsa P.S. Case No.49 of 2008 (vii) Saharsa P.S. Case No.51 of 2008 (viii) Saharsa P.S. Case No.578 of 2008



(ix)Bangaon P.S. Case No.70 of 2009 (x) Saharsa P.S. Case No.53 of 2010 (xi) Saharsa P.S. Case No.259 of 2010 (xii) Saharsa P.S. Case No.260 2010 (xiii) Saharsa P.S. Case No.286 of 2010 (xiv) Saharsa P.S. Case No.287 of 2010 (xv) Saharsa P.S. Case No.432 of 2011 (xvi) Saharsa P.S. Case No.307 of 2019 and (xvii) Saharsa P.S. Case No.308 of 2019.

2. The prayer of the petitioner in the instant writ petition is that a direction be issued to the court below that the proceeding of those case be dropped.

3. Learned counsel appearing for the petitioner submitted that those cases have been instituted by different persons for the alleged fraud in the Co-operative Society of which the petitioners were the office bearers. He submitted that another case vide K. Hat (Sahayak) P.S. Case No.204 of 2007 was instituted against the members of the Board of Directors of the Central Bank Employees Savings and Credits Self Supported Co-operative Society Ltd.. In that case, a Bench of this Court vide order dated 13.02.2019 quashed the order taking cognizance of the offence.

4. Per contra, learned counsel appearing for the State submitted that the petition is totally misconceived. The pleadings are vague. The petitioners have challenged the



proceedings of the seventeen cases instituted against them without bringing on record the necessary documents including the FIR/complaint of those cases. The petitioners have also failed to highlight the relevance of K. Hat (Sahayak) P.S. Case No.204 of 2007 arising out of Complaint Case No.919 of 2007 in the instant case.

5. I have heard learned counsel for the parties and carefully perused the record.

6. The pleadings made in the writ petition are too vague. Neither the complaint nor the FIR of the cases mentioned above has been brought on record.

7. In absence of the relevant complaints and the FIRs, the court cannot comprehend what are the allegations made against the petitioners in those cases.

8. Hence, the application is dismissed on account of vagueness and ambiguity in the pleadings made by the petitioners and suppression of material facts from the court.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.07.2019
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