

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1111 of 2019

Arising Out of PS. Case No.-113 Year-2017 Thana- RAJAPAKAR District- Vaishali

Muralidhar Yadav, Son of Harinarayan Yadav, Resident of Village-Situyaha Gosaitola, P.O-Salkhua, District-Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
2. The District Magistrate, Vaishali.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Station Head Officer Baranti O.P. District-Vaishali.
5. The Sub-Divisional Officer Hajipur at Hajipur.
6. The Programme Officer, Hajipur at Hajipur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Anil Kumar, Advocate
		Mr. Rakesh Kumar Soni, Advocate
For the Respondents-State:		Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 24-07-2019

Heard Mr. Anil Kumar, learned counsel for the petitioner and Mr. Suman Kumar Jha 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 (for short 'FIR') of Rajapakar (Baranti O.P.) P.S. Case No.113 of 2017 registered under Sections 409 and 420 read with 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submitted that the petitioner is a retired Junior Engineer. The FIR has been instituted



on 28.08.2017 with respect to an execution of a scheme of 2006-2007. He contended that the allegations made in the FIR that no work was executed by the petitioner after receiving Rs. 2,70,821/- under the Employment Guarantee Scheme No.50/06-07 is absolutely false. The belated report submitted by the informant has been made without physical verification of the spot at the behest of some people having vested interest.

4. On the other hand, learned counsel for the State submitted that there is specific allegation in the FIR that in the year 2006-07 under the Employment Guarantee Scheme No.50/06-07, the petitioner had withdrawn Rs.2,70,281/-, but he did not do any work. The contention that no physical verification was made prior to the institution of the FIR is wrong. The question regarding the veracity of the allegation has to be seen by the police in course of investigation. At this stage, the defence of the petitioner can not be made a ground for quashing of the FIR.

5. Having heard learned counsel for the parties and perused the contents of the allegations made in the FIR, as contained in Annexure-3 to the present application, I find that ingredients of the offences alleged are attracted. Since the offences alleged are cognizable in nature, neither the institution of the FIR nor its investigation can be held to be bad.



6. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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