

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1158 of 2019

Arising Out of PS. Case No.-66 Year-2003 Thana- CHHAURADANO District- East
Champaran

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GIRIJANANDAN PRASAD Son of Late Shivnandan Prasad Resident of
Village- Nerut, P.S.- Sare, District- Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar through its Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary Home Department Old Secretariat, Patna.
3. The Chairman Vigilance Deptt., Govt of Bihar, Old Secretariat, Patna.
4. The District Education Officer, Motihari, East Champaran.
5. The District Superintendent of Education, Motihari, East Champaran.
6. The Superintendent of Police, Motihari, East Champaran.
7. The S.H.O. Chharadanao P.S., East Champaran. East Champaran.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Nitu Kumari, Advocate
For the Respondent-State: Mr.M. Nasrul Huda Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-08-2019

Heard learned counsel for the petitioner.

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 Chhouradano P. S. Case No. 66 of 2003 registered for the offences punishable under Sections 406, 409, 419, 420, 467, 469, 471 and 120B of the Indian Penal Code and Section 13(2) read with 13(1) (c) (d) of the Prevention of Corruption Act, 1989.



3. Learned counsel for the petitioner submitted that though the FIR was instituted in August, 2003, the petitioner was totally unaware about institution of the case against him. He retired from service in the year 2004 and, recently, the police have visited his house for the first time in connection with the present case, whereafter, on inquiry, the petitioner came to know that he has been made accused in a case registered on 07.08.2003. He submitted that the allegations made against him are absolutely false and the petitioner being sufficiently aged retired employee is facing undue harassment.

4. On the other hand, learned counsel appearing for the State and learned counsel appearing for the Vigilance submitted that there is allegation in the FIR that the petitioner being the Block Education Extension Officer, Ghorasahan-2 Administrative Block (Bankatawa)-cum-Incharge Regional Education Officer, Ghorashahan conspired with one Manoj Kumar and, on the basis of a forged and fabricated last pay certificate, the Headmaster of the School paid Rs.1,13,033/- to Manoj Kumar . They contended that the allegations made in the FIR would clearly attract the ingredients of the offences alleged. They further contended that since the petitioner is evading to appear before the court, the investigation has not yet been completed.



5. I have heard learned counsel for the parties and perused the FIR, as contained in Annexure-1 to the present application.

6. The allegations made in the FIR would attract the ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory right of the police. The plea of innocence taken by the petitioner cannot be made a ground for quashing the FIR.

7. In that view of the matter, I see no merit in this application.

8. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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