

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1316 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- KAJRA District- Lakhisarai

Santosh Kumar, male, aged about 27 years, Son of Nawal Kishore Singh,
Resident of ward No. 01, P.O.- Kajra, P.S.- Kajra Urain, Urain, Lakhisarai,
Distt - Lakhisarai - 811309, (Bihar)

... .. Petitioner

Versus

1. The State of Bihar through District Magistrate, Lakhisarai
2. The District Magistrate, District - Lakhisarai.
3. The Superintendent of Police, District - Lakhisarai.
4. The Station Head Officer (S.H.O.) P.S.- Kajra, Distt - Lakhisarai.
5. Investigation Officer of FIR bearing Kajra P.S. Case No. 04/2019 (G.R. No 173/2019) dt. 25.01.2019, P.S.- Kajra, Distt - Lakhisarai.
6. Block Development Officer, Suryagardha, Distt - Lakhisarai
7. Anant Pandey, Son of Bhagirath Pandey, R/O- Village - Babhanagama, P.O. - Babhanagama, P.O. and P.S.- Lakhisarai.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Gopal Sharan Singh-Advocate
For the Respondents	:	Ms. Divya Verma-AC to A.A.G.-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

17-09-2019

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

2. This application has been filed by the petitioner
under Articles 226 and 227 of the Constitution of India for
quashing the F.I.R. of Kajra P. S. Case No.04 of 2019 dated
25.01.2019 registered under Sections 406 and 420 read with
Section 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submitted that
the petitioner is not involved in any manner in the offence



alleged. The investigation initiated against him in connection with Kajra P. S. Case No.04 of 2019 is nothing but an abuse of the process of the Court. There is no material on the basis of which, he can be put on trial. On the basis of the aforesaid submissions, he contended that the criminal proceeding ought not be permitted to degenerate into a weapon of harassment and prosecution.

4. On the other hand, learned counsel appearing for the State submitted that the F.I.R. has been instituted against the petitioner pursuant to the direction issued by the District Magistrate, who is also the Chairman of “Mukhyamantri Gramin Pai Jal Nischay Yojna” in the district of Lakhisarai. In the written report submitted by one Anant Pandey, the Block Coordinator, Suryagadha to the S.H.O. Kajra Police Station on 12.01.2019, it has been alleged that under the scheme, toilets are being built in household across the State of Bihar in order to ensure the people of Bihar enjoying healthy and hygienic lifestyle. However, several persons complained that the petitioner and one Jaidev Kumar were extracting illegal money from the public at large in the name of building toilets in their household. It is alleged that they claimed themselves to be the volunteers under the Swakchta Mission. She contented that the



case is still under investigation and the plea of the petitioner that he is not involved in the case, cannot be made a ground for quashing of the F.I.R.

5. Having heard the parties and perused the materials on record, since an investigation into a cognizable offence is going on, I am of the opinion that at this stage, it would not be proper for this Court to form any opinion regarding culpability or otherwise of the petitioner. At the stage of the investigation, the Court has no role to play. Once the investigation would be over, the police would submit its report on the basis of the outcome of the investigation. On receipt of the police report, the jurisdictional Magistrate may apply his mind and proceed in accordance with law.

6. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.09.2019
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