

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.101 of 2019

Arising Out of PS. Case No.-216 Year-2017 Thana- MANJHI District- Saran

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1. Rajani Kumari wife of Anup Kumar, daughter of Vijendra Kumar Singh, Resident of Village- Ratanpatti, P.O.- Matiyar Manjhi, P.S.- Manjhi, District Saran at Chapra
 2. Ratnesh Kumar Singh son of Purushottam Singh, Resident of Village- Dhani Chapra, P.O.- Manjhi, P.S.- Manjhi, District Saran at Chapra
 3. Sunita Upadhyay daughter of Shivji Dube, Resident of Village-Gabhirar, P.O.- Gabhirar, Police Station, District - Siwan
 4. Nitesh Kumar Singh son of Purushottam Singh, Resident of Village- Dhani Chapra, P.O.- Manjhi, P.S.- Manjhi, District Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The District Magistrate, Saran at Chapra
4. The District Education Officer, Saran at Chapra
5. The District Program Officer, Chapra. Saran
6. The Block Development Officer, Manjhi, Chapra, Saran
7. The Block Education Officer, Manjhi, Chapra, Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sinha, Advocate Mr. Ravindra Kumar, Advocate Mr. Shrinath, Advocate
For the Respondent/s	:	Mr.Prabhakar Jha, GP-27 Mr. Mukund Mohan Jha, AC to GP-27

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-01-2019

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

2. This writ petition has been filed by the petitioners for quashing the FIR of Manjhi P.S. Case No. 216 of 2017 dated 01.10.2017 registered under Sections 420, 409, 467,468, 471, 201 and 120B of the Indian Penal Code.

3. Learned counsel for the petitioners submitted



that on perusal of the FIR it would appear that no cognizable offence is made out against the petitioners. He contended that till date the petitioners are working on the post of teacher in the school, but arbitrarily their salary has been withheld. He argued that deliberately the FIR has been instituted only against the teachers, who were appointed, but in spite of their being specific allegation made against the Block Education Officer, namely, Mr. Neyaz Ahmad and the then Principal of the Upgraded Middle School Kaurudhauru, Manjhi in the FIR, they have not been made accused in the case.

4. Per contra, learned counsel for the State submitted that though the FIR in question was instituted on 01.10.2017, the writ petition for quashing the same has been filed on 18.01.2019 without annexing a copy of the FIR, which has been supplied to the court by the petitioners after the registry pointed out the defect in this regard. He contended that the allegations made in the FIR clearly disclose that by playing fraud the petitioners got themselves appointed as teacher. They would clearly attract the ingredients of the offences alleged. He argued that there is no averment in the writ petition as to whether the investigation of the case has been completed or not.

5. I have heard learned counsel for the parties and



carefully perused the record.

6. The FIR of Manjhi P.S. Case No. 216 of 2017 has been registered on the basis of written report submitted by the Incharge Block Education Officer, Manjhi, Chapra, Saran submitted to the officer-in-charge, Manjhi Police Station, Saran wherein he has alleged that in course of inquiry he came to know that in the employment year 2012 in Manjhi Block, the appointment of four teachers, namely, Rajani Kumari, Ratnesh Kumar Singh, Sunita Upadhyay and Nitesh Kumar Singh in the upgraded middle school, Kaurudhauru, Manjhi, were forged. Their name did not find place in the employment register and the merit list. He has further alleged that the Block Education Officer, Mr. Neyaz Ahmad and the then principal of the Upgraded Middle School, Kaurudhauru, Manjhi conspired together with the four teachers and in furtherance of their common object they were fraudulently appointed and were being paid salary illegally. He has also alleged that the then Block Education Officer, Manjhi suppressed important evidences and, in order to mislead the State Government, he got them adjusted in other schools.

7. It is true that in the written report, though, there is allegation against the Block Education Officer, Manjhi



and the principal of the upgraded middle school, Kaurudhauru, their name does not find place in the column of accused in the format of the FIR, but the same would be of no consequence. The police can still investigate the case against them and if incriminating materials are collected against them also, in course of investigation, they may be sent up for trial. However, the issue that certain other persons against whom allegations have been made in the written report and they have not been named in column of accused can not be made a ground for quashing the FIR. The allegations made above clearly attract ingredient of a cognizable offence against the petitioners. To hold investigation into a cognizable offence is the statutory right of the police. In that view of the matter, neither the institution of the FIR nor the investigation can be held to be bad.

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

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2019
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