

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1131 of 2016

Arising Out of PS. Case No.-40 Year-2013 Thana- C.B.I CASE District- Patna

Nita Kumari, Wife of Madan Prasad Singh, resident of Mohalla- Choti Rukanpura, Kailash Nagar, Lohiapar, near Greenfield School, Jagdeopath, P.O.- B.V College, P.S- Jagdeopath, District,- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Deputy Director, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Vaishali at Hajipur.
6. The District Programme Officer (Establishment), Vaishali at Hajipur.
7. The Block Development Officer, Patepur, Vaishali.
8. The Block Education Officer, Patepur, Vaishali.
9. The Director General, Vigilance Bureau, 6- Circular Road, Patna
10. The Superintendent of Police, Vigilance Bureau, 6 Circular Road, Patna.
11. The Head Master, New Upgraded Primary School, Subhankarpur, Tikoli, Patepur, Vaishali.
12. Jainendra Kumar, Son of Kamal Singh, resident of Village- Bishunpu Tadora, P.S. Mahua, District- Vaishali, presently working as Panchayat Teacher, Subhankarpur, Tikoli Anchali, Vaishali.
13. The Head Master, New Upgraded Middle School, Nawachak, Patepur, Vaishali.
14. Garibnath Thakur, Son of Gurudayal Thakur, resident of village and P.O.- Nawachak, P.S. Patepur, District- Vaishali, presently working as Prakhand teacher, Upgraded Middle School, Nawachak, P.S.- Patepur, District – Vaishali.
15. The Head Master, Upgraded Middle School, Gangachak, Patepur, Vaishali.
16. Ram Naresh Singh, Son of Late Chhattu Singh, resident of village- Harpur Hari, P.O- Sahabajpur Puraina, P.S. - Patepur, District- Vaishali; presently working as Prakhand Teacher, Upgraded Middle School, Gangachak, Patepur, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sangiv Kumar,, Advocate
For the Respondent/s : Mr.Ajay Mishra, AC to Law Officer, Vigilance

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-01-2019

The petitioner has filed the instant writ petition for quashing the FIR of Patna Vigilance P.S. Case No. 40 of 2013



registered under sections 7 and 13(2) read with 13(1) (d) of the Prevention of Corruption Act.

2. On perusal of the FIR, I find that the case was instituted by the police as the petitioner's husband Madan Prasad Singh, who was Block Education Officer, Patepur, Vaishali, was caught red handed while accepting illegal gratification of Rs. 5000/- on 17.07.2013.

3. It has been submitted by the learned counsel for the petitioner that the petitioner's husband was implicated by the vigilance with ulterior motive.

4. In the opinion of this Court, this writ petition is not only misconceived but it is also an abuse of process of the court. The petitioner is a third party as she is not an accused in this case. She has got no locus standi in the matter. She has filed the instant application in representative capacity on behalf of her husband which is not permissible in law.

5. The writ petition is dismissed.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.01.2019
Transmission Date	09.01.2019

