

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21610 of 2016

Arising Out of PS. Case No.-496 Year-2014 Thana- HAJIPUR SADAR District- Vaishali

Vivek Kumar S/o Jay Nandan Rai, Resident of Village- Jalalpur, P.O.-Jalalpur,
P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh App

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 11-09-2020 Heard Mr. Satya Prakash Sinha, learned counsel

for the petitioner and Mr. Sanjay Kumar Singh, learned APP

for the State.

This is an application seeking quashing of the
F.I.R. bearing Hajipur Sadar P. S. Case No. 496 of 2014
dated 19.10.2014, instituted for the offences under Sections
419, 420, 467, 468, 120 (B) and 34 of the Indian Penal
Code and Sections 3 and 10 of Bihar Examination Control



Act, 1981.

The learned counsel for the petitioner submits that as per his instruction which he had received about two months ago, the investigation of this case is still pending.

The learned counsel for the petitioner further submits that no offence can be said to have been made out from a bare reading of the F.I.R. The F.I.R. discloses that one Pankaj Kumar was writing the examination in place of the petitioner.

The learned counsel for the petitioner has further submitted that admit card which was sent to the petitioner had been lost for which a station diary entry was also recorded.

This defence cannot come to the aid of the petitioner in as much as any person who attempted to write the examination on behalf of the petitioner would have fetched no benefit to himself but only to the petitioner.

Regard being had to the nature of accusation as has been made out in the F.I.R., I am not inclined to quash the subject F.I.R.



The petition stands dismissed.

In case the investigation is completed and the petitioner is aggrieved, he can take recourse to the remedies to which he is entitled.

(Ashutosh Kumar, J)

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