

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.798 of 2017

Arising Out of PS. Case No.-104 Year-2016 Thana- AIRPORT District- Patna

Parmanand Kumar Sinha Son of Late Sidheshwar Prasad, Resident of Bazar tali, P.S. and District Jehanabad. At Present Posted as In-Charge Assistant in the Office of Joint Director Agriculture Patna Division, Patna.

... .. Petitioner

Versus

1. The State Of Bihar Through Director General Of Police, Bihar, Patna
2. Senior Superintendent of Police, Patna.
3. Station House Officer, Hawaii Adda Police Station, Patna
4. The Director Agriculture, Bihar, Patna
5. Joint Director Administration, Agriculture Directorate, Patna
6. District Agriculture Officer, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh
For the Respondent/s : Mr. P.N.Sharma

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2020 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

This application has been filed for quashing the FIR of Hawaii Adda PS Case No. 104 of 2016 registered under Section 406, 420, 467, 468, 471 and 34 of the IPC pending in the Court of Sub Judge XV -cum- ACJM Patna.

It is submitted by petitioner's Counsel that the prosecution which has been instituted under Hawaii Adda PS Case No. 104 of 2016 is not being investigated properly. It is his submission that the allegations in the FIR regarding illegality in the supply of agricultural equipment was already subject matter of proceeding arising out of



Hawai Adda PS Case No. 102 of 2013 wherein only the suppliers and some farmers were being proceeded against. Even after thorough enquiry/investigation the petitioner was not made accused in the course of investigation.

The petitioner however has been made accused in the prosecution arising out of subsequent Hawai Adda PS Case No. 104 of 2016 along with other co-accused persons including one Md. Ali Khan who happened to be the then Block Agriculture Officer. Said Md. Ali Khan had approached this Court with a similar prayer for quashing of the FIR and entire proceedings arising out of Hawai Adda PS Case No. 104 of 2016. In the case of co-accused Md. Ali Khan, while staying arrest of the co-accused this Court had granted liberty to the petitioner therein to produce documents of his defence showing that he had already been transferred out of that place before the illegalities were committed, and on submission of such document a direction was issued to the Investigating Officer to consider the same during course of investigation in accordance with law.

The petitioner's defence is not that he had been transferred out of that place and therefore there is no occasion for him to produce such document as per liberty granted to co-accused Md. Ali Khan.

The petitioner would be at liberty to take his defence otherwise in accordance with law having regard to the fact that as per instructions of petitioner's Counsel he is already on bail.



No case is made out to establish any illegalities in institution of Hawai Adda PS Case No. 104 of 2016. At this moment there is no occasion for this Court to interfere with the same when investigation is still going on.

The writ petition is accordingly disposed of. The petitioner would be at liberty to avail of his remedies in accordance with law.

(Madhuresh Prasad, J)

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