

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.97 of 2020

Arising Out of PS. Case No.-464 Year-2018 Thana- KARAHGAR District- Rohtas

Deobansh Pathak Son of Sri Jagarnath Pathak Resident of Village-Pathak
Semari, Police Station-Sheosagar, District-Rohtas at Sasaram.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home,
Govt. Of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram
3. The Superintendent of Police, Rohtas at Sasaram
4. The District Panchayat Officer, Rohtas at Sasaram.
5. The Block Development Officer, Kochas (Informant), District Rohtas at
Sasaram.
6. The Officer Incharge, Karaghar (Barahari) Police Station, District-Rohtas at
Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-02-2020 No one appears for the petitioner. Learned counsel
for the State is however, present.

On perusal of the records it appears that the
petitioner is looking for quashing of the First Information
Report being Karaghar (Barahari) P.S. Case No. 464 of
2018 for the offence under Sections 406, 409, 420, 120(B)
and 34 of the Indian Penal Code.

According to the petitioner, it is a case of
malicious prosecution of the petitioner. The petitioner is a



government employee working on the post of Panchayat Secretary at Kochas Block within the district of Rohtas. The First Information Report has been lodged by the Block Development Officer who has alleged that during the financial year 2017-2018 a sum of Rs. 15,5000/- provided for Seven Nischay Yojana has been misused and the amount has been withdrawn from the account. In this connection, the account ledger enquiry has been enclosed which shows that on various dates this petitioner has withdrawn the amount from the account.

The submission of the petitioner is that in C.W.J.C. No. 19591 of 2016 the Hon'ble Division Bench of this Court had been pleased to stay the operation of the later notification of the government issued vide Memo No. 6846 dated 25.10.2016 giving guidelines for creation of the Ward Vikash Samiti and the said writ application ultimately came to be allowed on 17.05.2017.

It is his submission that the fund received in the Gram Panchayat was withdrawn to execute the works under the scheme and all the schemes work have been completed and measurement book was also prepared by the Junior



Engineer which was verified and checked by the Executive Engineer after completion of the work in all these schemes. It is thus his submission that the withdrawal of money for the execution of the work under the scheme cannot be said to be illegal and that it was within the power of the Gram Panchayat.

Learned counsel for the State submits that what has been contended by the petitioner in the writ application is by way of a defence and since the matter is still under investigation, at this stage this Court need not interfere with the First Information Report.

Having considered the case of the petitioner as disclosed in the writ application and the submission of learned counsel for the State, this Court is of the considered opinion at this stage that the investigation which is going on in the matter need not be curtailed at the threshold. The interest of justice would be served if the petitioner is given liberty to bring all these facts to the notice of the Investigating Officer who will on receipt of the same bring it to the notice of the Superintendent of Police, Rohtas at Sasaram (respondent no. 3) for purpose of supervision and



as per direction of respondent no. 3 the investigation will be completed and final report be submitted within a period of three months from the date of receipt/production of a copy of this order.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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