

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.686 of 2021

Arising Out of PS. Case No.-8 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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PANKAJ KUMAR Son of Arbind Kumar Sinha Resident of Village -
Sakuntala Kunj, Paravati Path, M.V. Colony, Kumhrar, P.S.- Agamkuan in the
district of Patna

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Home Secretary, Govt. of Bihar, Patna.
Bihar
2. The Economic Offence Unit through Superintendent of Police, Patna Bihar

... .. Respondent/s

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Appearance :

For the petitioner-

Mr. Ashok Kumar Choudhary, Sr.Adv.

Mr. Abhishek Anand, Adv.

Ms. Madhuri Kumari, Adv.

For the Economic Offences Unit:- Mr. Vishwa Nath Prasad Sinha, Sr. Adv.

Mr. Vijay Anand, Adv.

For the State :

Mr. Sheo Shankar Prasad, SC 8

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

7 07-03-2022 Heard learned counsel for the parties.

The petitioner has filed the instant application for quashing the First Information Report and the entire criminal proceeding arising out of Economic Offences Thana P.S. case no. 8 of 2013 and for grant of other reliefs to which the petitioner may be found entitled.

The prosecution case in brief is that in the written complaint filed by the informant on 23.2.2013 addressed to the Station House Officer, Economic Offences Unit, Patna, it was stated that on 22.2.2013 an interview was going on for selection



and for filling up of vacancy of SWO-A cadre post at the Central Circle Office, Patna. In the process of interview of a candidate namely Rahul Ranjan it transpired that the photograph as well as the signature of the candidate who appeared for interview was not tallying with the available records. On Rahul Ranjan being put specific questions by the recruitment agency, he accepted and admitted that one Sudhir had impersonated him and sat on his behalf in the written test. He further disclosed that the accused had promised to get him a job in the bank on payment of Rs. 6 lacs. Out of the said amount Rs. 20,000/ had been paid by him and a photograph was sent by Rahul Ranjan on email. Someone else sat on his behalf. On the result coming out a further sum of Rs. 2 lacs had been given by him to Sudhir in the name of interview. Thus it was said that from the facts stated therein together with the documents available and the statement given it was clear that Rahul Ranjan had entered into criminal conspiracy with the aforesaid Sudhir for obtaining a job in the bank.

It is submitted by learned Senior counsel appearing for the petitioner that the FIR was registered on 23.2.2013 with respect to an occurrence which had taken place in the year 2013. The petitioner is not named in the F.I.R. The petitioner who is



suffering from serious illness and his movement is restricted because of his suffering from 60% disability as a result of post polio residual paralysis in the left leg, has been falsely implicated in the case. The petitioner runs the Comfort Coaching Institute. It is further submitted that from perusal of the material that has transpired in course of investigation, no material has come to implicate the petitioner. With respect to the statement of coaccused Rahul Kumar and Rajesh Kumar recorded under section 164 Cr.P.C. it is submitted that they have not stated about the direct involvement of the petitioner. The petitioner has always cooperated in the investigation and inspite of such a delay no chargesheet has been filed in the case. Learned Senior counsel in support of his contention further relies on the judgment in the case of Ajay Kumar versus State of Bihar [2018(1)PLJR 215] to submit that as a result of long pendency of the criminal proceeding, the instant criminal prosecution is fit to be quashed.

Learned Senior counsel appearing for the Economic Offences Unit has submitted that the instant application which has been filed praying for quashing of the F.I.R. is fit to be dismissed. It is submitted that it is not necessary that the accused/petitioner be named in the F.I.R. The F.I.R. can be



quashed only when from reading its contents, no prima-facie offence is disclosed. The accused gets a right only when the process is issued against him. It is submitted that the Hon'ble Supreme Court has held that only delay cannot be a ground for quashing of the FIR. Further it is submitted that so far as the paragraphs of the case diary cited on behalf of the petitioner is concerned, the same were in respect to investigation of the year 2013 and 2014. Thereafter the petitioner moved the learned Court below praying for anticipatory bail which was rejected vide order dated 2.2.2019 by the learned trial Court. Thereafter the application for anticipatory bail was rejected by the Patna High Court vide order dated 22.7.2019 passed in Cr. Misc. no.22829 of 2019 wherein while dismissing the application this Court observed that in case the petitioner surrenders in the Court below within a period of four weeks and prays for regular bail, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court. It is submitted that the petitioner did not surrender in the Court below and once again chose to renew his prayer for anticipatory bail which was again rejected vide order dated 18.10.2019 passed in Cr.Misc. no.63040 of 2019 wherein this Court observed that no new ground for consideration was made out on



behalf of the petitioner. Once again this Court observed that in case the petitioner surrenders and prays for regular bail in the Court below within a period of four weeks, his prayer shall be considered without being prejudiced by the order of this Court. Referring to paragraph no.7 of the counter affidavit filed on behalf of the Economic Offences Unit, learned Senior counsel submits that the petitioner who is an absconder despite warrant of arrest having been issued against him by the competent court, he is evading arrest and has not surrendered inspite of his second application for anticipatory bail having been rejected by this Court more than two years ago on 18.10.2019. It is submitted that the contents of the F.I.R. clearly mentioning the commission of the cognizable offence, there is no merit in the application filed by the petitioner and the same be dismissed.

Having heard learned counsel for the parties and taking into consideration the materials on record it transpires that the FIR being Economic Offence Thana P.S.Case no. 8 of 2013 was registered on 23.2.2013 for offence under sections 419, 420, 465, 467, 468, 471 and 120B of the Indian Penal Code. The allegations in brief in the FIR is that in the interview being conducted for filling up the post of SWO-A cadre post in the Bank, in the selection process being carried out by the Institute



of Banking Personnel Selection, the signature and the photograph of the candidate Rahul Ranjan did not match the signature and photograph given by him and available with the agency at the time of the written test. On enquiry he disclosed that he had come in contact with coaccused Sudhir whose mobile number was given and who resides in Patna. The said Sudhir had promised to get him a job in the Bank on payment of a total sum of Rs. 6 lacs. Out of the said amount Rs. 20,000/- had been given by him at the time of interview. From the case diary available on record it transpires that in course of investigation the statements of coaccused Rajesh Kumar and Rahul Kumar were recorded under section 164 Cr.PC. Rajesh Kumar works as peon in the coaching institute namely Comfort Coaching situated in Kankarbagh colony of which the petitioner is the owner. They have clearly made statements involving the petitioner. It would also be relevant to note here that the petitioner whose applications for anticipatory bail was rejected twice by this Court vide orders dated 22.7.2019 and 18.10.2019, orders of which have been brought on record as annexures to the counter affidavit filed on behalf of the Economic Offences Unit, continues to abscond.

Having heard learned counsel for the parties and on going



through the contents of the FIR as also the materials on record, in the opinion of the Court, it cannot be said that the materials on record do not mention the commission of a cognizable offence. Thus the petitioner has not made out a case for quashing of the FIR or the criminal prosecution and there is no merit in this application.

The application is dismissed.

(Partha Sarthy, J)

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