

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.236 of 2020

Arising Out of PS. Case No.-782 Year-2018 Thana- LAKHISARAI District- Lakhisarai

1. Ashok Rajak S/O Sri Baldeo Rajak R/O Mohalla- Bhikhanpura, Bhattha Road, P.S.- Ishakchak, Distt.- Bhagalpur.
2. Deo Bhushan Roy @ Bhushan Roy S/O Late Jyotish Roy R/O Mohalla- Bhikhanpura, Bhattha Road, P.S.- Ishakchak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar, The Chief Secretary, Deptt. Of Home Bihar.
2. The Director General Of Police, Bihar, Patna Bihar.
3. The Superintendent Of Police, Lakhisarai Bihar.
4. The Officer Incharge, Lakhisarai Police Station Bihar.
5. Investigating Officer, S.I. Of Police, Lakhisarai Police Station, Lakhisarai Bihar.
6. Arshad Raja Kha (b.d.o. Lakhisarai) S/O Mehadi Raja Kha R/O- Village And P.S.- Sultanganj, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Adv.
For the Respondent/s	:	Mr. M. Nasrul Huda Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 13-03-2023

Heard learned counsel for the petitioners and
learned counsel for the State.

The present case has been filed for quashing of
F.I.R. in connection with Lakhisarai P.S. Case No. 782 of 2018
(G.R. No. 1838 of 2018) dated 01.12.2018 under section 409/34
of Indian Penal Code.

Learned counsel for the petitioners submits that an
F.I.R. bearing Lakhisarai P.S. Case No. 316 of 2010 has been

filed under section 467, 468, 471, 406, 409, 420 and 34 of the Indian Penal Code against four named accused persons other than the petitioners. He further submits that the matter substantially in issue of Lakhisarai P.S. Case No. 316 of 2010 and Lakhisarai P.S. Case No. 782 of 2018 are identical and therefore, no separate F.I.R. should continue and, as such, the Lakhisarai P.S. Case No. 782 of 2018 be quashed against the present petitioners.

Learned counsel for the State submits that a counter affidavit has been filed on behalf of respondent no. 4, in which it has been mentioned that the matters and allegations of two cases are different. He further submits that nature and mode of crimes are also different. He also submits that in Lakhisarai P.S. Case No. 316 of 2010, accused persons illegally kept the government records and alleged to made forgery with measurement books, job cards through unauthorized persons and illegally kept the passbooks of MNREGA workers but Lakhisarai P.S. Case No. 782 of 2018 has been filed with specific allegation against the two named petitioners and others that they have committed embezzlement of advance amount received for the implementation of government schemes, therefore, he submits that both the cases should be tried

differently.

After going through the records and hearing the arguments, it is made clear that petitioners have filed the present writ petition to quash the Lakhisarai P.S. Case No. 782 of 2018, which has been lodged specifically against them with allegation that they have received advance amount and not implemented the work.

In this view of the matter, that there are specific and direct allegations against the present petitioners that they have committed the said offence, I am not inclined to quash the F.I.R. i.e. Lakhisarai P.S. Case No. 782 of 2018 and therefore, the present writ petition is **dismissed**.

It goes without saying that petitioners are at liberty to make request for clubbing trial of both the cases under the appropriate provision of law, before the appropriate forum, at appropriate stage of trial.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	