

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2547 of 2017

Arising Out of PS. Case No.-104 Year-2017 Thana- ARIYARI District- Sheikhpura

1. Rajesh Kumar Son of Sri Babulal Rajak, Resident of Mohalla- Faizabad, PO and PS- Barbiga, District- Sheikhpura. Pin- 811101.
2. Devanand Kumar, Son of Late Laxman Noniya, Resident of Village- Kare, PO- Kare, PS- Sheikhpura, District- Sheikhpura, Bihar. Pin- 811105.
3. Md. Aslam Hussain, Son of Gulab Hussain, Resides near Lovely Coaching Centre, Mohalla- Dadar Mandi, PO- Gulzarbagh, District- Patna, Bihar. Pin- 800007.
4. Md Shahnewaz Haq, Son of Late Md. Ashraf Uddin, Resident of Shaheed Abdul Hamid Chowk, Neelam Cinema, North Road, Water Tank, PO- Munger, PS- Kotwali, District- Munger, Bihar, Pin- 811201.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Home Secretary, Department of Home, Government of Bihar.
3. The Director General of Police, Department of Home, Government of Bihar.
4. The District Magistrate-cum-District Officer-cum-District Programme Coordinator, District- Sheikhpura
5. The Superintendent of Police, District- Sheikhpura, Bihar.
6. The Director, District Rural Development Agency, District- Sheikhpura, Bihar.
7. The Officer-in-Charge of Ariyari Police Station, District- Sheikhpura, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar, Advocate
For the Respondent/s : Mr. Md. Nadim Serajgp-5

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-05-2023

Heard learned counsel for the parties.

This application has been filed for quashing the
Ariyari P.S. Case No. 104/2017 (equivalent to GR No. 860/2017)
dated 13.06.2017 of Sheikhpura registered under Sections 406/
409/ 420/467/468/471 of the Indian Penal Code and further to



set aside the investigation conducted till date.

As per prosecution case, that Husssainbad Panchayat under Ariyari block of Sheikhpura district made a written complaint to the District Officer, Sheikhpura (Respondent No.4) for irregularities in the implementation of the Mahatma Gandhi National Rural Employment Guarantee Scheme. Thereafter, a five-member inquiry committee was set up. The committee submitted its report whereby most of the allegations were found correct. Thereafter, on the basis of the report show cause was issued to the petitioners and other concerned for explaining away the irregularities contained therein. Reply of the show cause was found found satisfactory. Therefore, respondent no. 6 was directed by the District Officer (Respondent No.4), Sheikhpura to lodge FIR against the 13 persons including the petitioner.

The allegation against the petitioners are of defalcation public money and the case is at the stage of investigation. Hence, this Court will not interfere in the investigation in view of the law laid down by the Hon'ble Supreme Court. Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *M/S Neeharika Infrastructure Pvt. Ltd. State of*



Maharashtra and others reported in (2020) 10 SCC 118, this application is dismissed.

(Sandeep Kumar, J)

Ranjeet/-

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