

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.302 of 2023

Arising Out of PS. Case No.-34 Year-2021 Thana- AANDAR District- Siwan

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Rajesh Yadav Son Of Late Sri Bhagwan Yadav R/O Sareya Post, P.S.-
Hussainganj, Distt.- Siwan (Bihar), Pin- 841237

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Principal-Secretary-Public Health Engineering Department Of Government Of Bihar, Patna
2. The Executive Engineer, Public Health Engineering Department, P.H. Division, Distt.- Siwan (Bihar)
3. The Assistant Engineer, Public Health Engineering Dept., P.H. Division, Distt.- Siwan (Bihar)
4. The Junior Engineer, Public Health Engineering Dept., P.H. Division, Distt.- Siwan (Bihar)
5. The Block Development Officer At Block-Andar, Distt.- Siwan (Bihar)
6. The Superintendent Of Police (S.P.), At Distt.- Siwan (Bihar)
7. The Inspector Of Police Station- Andar, At District- Siwan (Bihar)
8. The Investigation Officer (I.O.) At Police Station Andar In Connection With Andar P.S.- Case No.34 Of 2021 U/Ss 420, 406, 409 I.P.C.
9. Ganga Sagar Sah @ Ganga Sagar Godh Son Of Late Inrmal Godh At Present Of Ward No. 6, At Gram Panchayat Raj Jamalpur At Resident Of Village Medeshilapur, P.S.- Andar, Distt.- Siwan (Bihar), M.No.- 9955689140
10. Ajay Kumar Son Of Ram Sagar Yadav Secretary Saat Nischay Yojnna Kankarni Samiti A Resident Of Village Madeshilapur At Pachimtola, P.S.- Andar, Distt.- Siwan (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Counsel for the petitioner submits that petitioner is
accused in connection with Andar P.S. Case No. 34 of 2021

lodged under Sections 420, 406, 409 of the I.P.C.

Counsel for the petitioner submits that the present case has been filed by virtue of complaint converted into Section 156(3) of Cr.P.C. and then F.I.R. lodged. Counsel submits that the role of petitioner is very limited *i.e.* of supplier who has completed the work of Rs. 12,42,438/- instead of taking Rs.9,00,000/- only. He submits that petitioner is not the accused rather he is victim.

Petitioner is directed to represent himself before the Superintendent of Police, Siwan in the light of order passed in ***Surendra Singh Vs. The State of Bihar & Ors.*** in ***Cr. WJC. No. 153 of 2017*** and analogous cases decided on 09.09.2022.

In this view of the matter, the present criminal writ petition is **disposed off** with direction to the petitioner to file representation before the Superintendent of Police, Siwan in the light of the order passed in ***Surendra Singh Vs. The State of Bihar & Ors.*** in ***Cr. WJC. No. 153 of 2017*** with analogous cases decide on 09.09.2022 within four weeks' from today and the Superintendent of Police, Siwan shall consider the representation and take appropriate action.

By virtue of Annexure-1, it transpires that the petitioner has invested the above said amount.

Petitioner is accused and he may represent either himself or through his advocate before the Superintendent of Police, Siwan.

Till filing of report under Section 173(2) of Cr.P.C., 1973, no coercive steps shall be taken against the petitioner.

(Dr. Anshuman, J.)

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