

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.203 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- BALTHAR District- West Champaran

Nurun Nesha W/O Of Atiurrehman Resident Of Village - Lakhaura, Ward No. 2, P.O. Dhankutwa, P.S. Balthar, District - West Champaran At Bettiah, Presently Mukhiya Of Gram Panchayat Raj, Dhankutwa, Block - Sikta, District - West Champaran At Bettiah.

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar Patna, Bihar.
2. The District Magistrate, West Champaran At Bettiah, District - West Champaran At Bettiah, Bihar.
3. The District Panchayat Raj Officer, West Champaran At Bettiah District - West Champaran At Bettiah, Bihar.
4. The Superintendent Of Police, Bettiah, District - West Champaran At Bettiah, Bihar.
5. The Deputy Superintendent Of Police, Narkatiyaganj District - West Champaran At Bettiah, Bihar.
6. The Station Head Officer, Balthar Police Station, District - West Champaran At Bettiah, Bihar.
7. The Block Development Officer, Sikta, District - West Champaran At Bettiah, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari, Adv.

For the Respondent/s : Mr. M. Nasrul Huda Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-03-2023

Heard learned counsel for the petitioner and
learned counsel for the Respondents.

The present Writ application has been filed for the
quashing the prosecution of the petitioner in connection with
Balthar P.S. Case No. 09 of 2020 dated 02.02.2020 lodged under

Section 406, 409, 420, 467, 468, 471 of the I.P.C.

Counsel for the petitioner submits that the petitioner was *mukhiya* and in the present F.I.R., the allegation made do not constitute any offence as the extreme allegation made in the F.I.R. is only that she along with member of Vigilance Committee and other officials, had not made any comment on the register, as the Ward Implementation and Management Committee has not maintained the register. He further submits that vide Annexure-1, he has annexed the guidelines/executive instructions i.e. Memo No. 5752 of 30.06.2017 prepared by the Government for implementation at District Level, Block Level, Prakhanda Level, Panchayat Level and Ward Level by the said guidelines.

Counsel for the petitioner submits that according to the said guideline, the ultimate responsibility of work has to be done by Ward Level Committee and Ward Implementation and Management Committee. *Mukhiya* has just to supervise along with the member of vigilance and other officials. He submits that other officials means other government officials.

Counsel for the State submits that F.I.R. has been filed in the year 2020. Counsel submits that he has filed the counter affidavit and in the said counter affidavit, he has stated

that investigation has going on and till date charge-sheet has not been filed.

In view of the allegation that the petitioner has failed in performance of his responsibility and discharging his duty, I am not inclined to interfere for the quashing of the F.I.R.

But the only protection is hereby granted to the petitioner that he shall not be arrested till completion of the investigation.

With the aforesaid direction, this writ petition is hereby disposed off.

It goes without saying that the petitioner has right to avail the remedy available under law at the time of framing of charge.

(Dr. Anshuman, J.)

ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	