

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.441 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- BANKA District- Banka

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Anjani Kumar S/O Late Shashank Shekhar Das Resident Of Ward No. 16,
Nayatola, Banka, Police Station - Banka, District - Banka.

... .. Petitioner/S

Versus

1. The State Of Bihar Through Principal Secretary, Panchayati Raj Bihar, Patna.
2. The Principal Secretary, Panchati Raj, Bihar, Patna.
3. The District Magistrate, Banka.
4. The District Panchayati Raj Officer, Banka.
5. The In- Charge Principal, District - Education And Training Institute (Diet), Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.
For the Respondent/s : Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Counsel for the petitioner submits that the present Cr.
Writ application has been filed for quashing of F.I.R. bearing
Banka Town P.S. Case No. 178 of 2022 under Sections 347,
427, 353, 420 of the I.P.C. and Section 3/4 of Damage to Public
Property Act. Counsel for the petitioner submits that the genesis
of this case has started by virtue of Annexure-H to the counter
affidavit, by which the District Magistrate has directed to the
Principal Secretary, Building Construction Department,
Government of Bihar, Patna, to lodge the F.I.R. and thereafter,

the F.I.R. was lodged. He further submits that the order for lodging F.I.R. has been made on 08.03.2022, with a view to take revenge on the instance of Principal Secretary, Building Construction Department, Government of Bihar, Patna as passed vide order dated 23.02.2023, passed in C.W.J.C. No. 13526 of 2021. The Court has directed the Principal Secretary, Building Construction Department, Government of Bihar, Patna to physically before the Court, in which, the present petitioner was the petitioner.

Counsel for the petitioner submits that petitioner is completely innocent but since on his Writ petition direction for personal appearance was made, only due to this reason, his name has figured in the F.I.R.

Counsel for the State submits that a counter affidavit has been filed in this case. Counsel submits that Annexure-G is the true reflection of cause of filing the F.I.R., in which the action of petitioner has been categorically narrated. He further submits that all the other allegations made by the petitioner are not correct. Particularly, when the personal appearance was not of District Magistrate, Banka, rather, it was of Principal Secretary, Building Construction Department, Government of Bihar, Patna.

Upon going through the pleadings and after hearing the arguments, this Court is of the view that the personal appearance was of the Principal Secretary, Building Construction Department, Government of Bihar, Patna and it is not of District Magistrate. Whereas, in lodging of F.I.R. the involvement of District Magistrate, Patna is there, therefore, this Court is not relying on the story of the petitioner and the present writ petition is hereby dismissed.

Liberty is hereby granted to the petitioner that he may seek the remedy before the appropriate forum, at appropriate stage.

(Dr. Anshuman, J.)

Ashishsingh/-

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