

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22912 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- BADHAILA District- Rohtas

Sunil Kumar Son Of Raj Kumar @ Raj Kumar Bhagat Resident Of Village - Akorhi, P.O. Akorhi, P.S. - Akorhi Gola, District - Rohtas At Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jahagir Ansari Son Of Late Reyazuddin Ansari Resident At Village - Darjibigha, P.S. - Madanpur, Distt. - Aurangabad (BIHAR) Presently Police Inspector-Cum-Inquiry Officer, Vigilance Investigation Bureau, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Adv
For the Opposite Party/s : Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 17-10-2023

The present application under section 482 of the CrPC has been filed seeking quashing of the FIR of Baghaila P.S. Case No. 23 of 2022 registered for the offences punishable under sections 42, 467, 468, 471 and 120(B) of the Indian Penal Code.

2. Learned counsel for the petitioner has submitted that the FIR has been registered without due permission of the competent authority. He has placed reliance on a communication dated 16.09.2021 issued by the Additional Chief Secretary, Education Department, Government of Bihar, Patna, to contend that the Education Department has issued a clear direction that the FIR against a government employee should be registered only after obtaining due sanction of the competent authority.



3. The submission which has been advanced on behalf of the petitioner with reference to the communication dated 16.09.2021 is thoroughly misconceived for the reason that the said communication relates to institution of a case against a government servant from whose act department/institution/ government has incurred loss, for which sanction can be required for criminal prosecution.

4. Here is a case, where allegation against the petitioner is of having obtained employment using forged certificate. Learned counsel for the petitioner has not been able to convince this Court that the allegations made in the FIR do not constitute cognizable offence.

5. In such circumstance, in my opinion, this application is misconceived and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2023
Transmission Date	18.10.2023

