

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6979 of 2018

Arising Out of PS. Case No.-149 Year-2017 Thana- DUMRA District- Sitamarhi

Suresh Raut Son of Bisheshwar raut, Resident of Ward No.1, Nagar
Panchayat Dumra, District-Sitamarhi. Petitioner/s

Versus

1. State Of Bihar
2. Dilip Kumar, Son of Chunnu Raut, Resident of Village-Nagar Panchayat,
Dumra, Badi, Bazar, Ward No.1, P.S.-Dumra, District-Sitamarhi.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sri Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The present application is for quashing of the FIR of
Dumra P.S. Case No. 149 of 2017 under sections 420, 467, 468
and 471 of the Indian Penal Code.

As per the prosecution story, the Sub-Divisional
Officer, Sitmarhi Sadar directed the Executive Officer, Nagar
Panchayat for lodging of the present FIR in which it has been
alleged that the petitioner was appointed as 'Vikas Mitra' on
23.3.2010 in Nagar Panchayat, Dumra, Ward No. 1 on the basis
of certificate provided by Gurukul Arya Samaj Sanskrit
Vidyalaya, Barigania in which the date of birth of the petitioner
was inscribed as 15.3.1979. However, when the said document
was sent for enquiry, it was found that in the tabulation register,
the same was recorded as 10.8.1965 and as such it was clear that



he had taken the job on the basis of forged document and thus cheated the State Government.

Learned counsel for the petitioner submits that he do not know how his date moved from 1965 to 1979 and further he had joined the job on a contractual basis for 11 months only. However, when it became permanent, his agnate played the role is not only his dismissal from the service but also lodging of the FIR.

The learned counsel for the State on the other hand submits that the petitioner is not disputing that his date of birth was 1965 which was made as 1979 and on that basis, he came into service and thus cheated the State Government and in that backdrop, no interference is required.

This Court finds force in the submission put forward by the learned counsel for the State, the petitioner being the direct beneficiary of change of his date of birth from 1965 to 1979, this is certainly not a fit case for quashing of the FIR and the petition is accordingly dismissed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

