

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1255 of 2021

Arising Out of PS. Case No.-171 Year-2019 Thana- SHEOHAR District- Sheohar

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Md. Afaque Manzer @ Md. Afak Manjar Son of Late Abdul Aziz Resident of Village - North of Sakoor Colony Masjid, Indrapuri Colony, P.S.- Shastri Nagar, District - Patna (Bihar) the then Junior Engineer, Sheohar Block, Sheohar, District - Sheohar (Bihar) at present posted as Junior Engineer, Quality Control (Flood Control and Drainage Division), Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
4. The Commissioner, MANREGA, Rural Development Department, Government of Bihar, Patna.
5. The Director General of Police, Government of Bihar, Patna (Bihar). Bihar
6. The Inspector General of Police, Tirhut Range, Muzaffarpur, District - Muzaffarpur (Bihar).
7. The Deputy Inspector General of Police, Tirhut Division, Muzaffarpur, District - Muzaffarpur (Bihar).
8. The District Magistrate, Sheohar, District - Sheohar (Bihar).
9. The Superintendent of Police, Sheohar, District - Sheohar (Bihar).
10. The Deputy Superintendent of Police, Sheohar, District - Sheohar (Bihar).
11. The Deputy Development Commissioner, Sheohar, District - Sheohar (Bihar).
12. The Programme Officer (MANREGA), Sheohar Block, District - Sheohar (Bihar).
13. The Station House Officer, Sheohar Police Station, District - Sheohar (Bihar).
14. The Investigating Officer of Sheohar P.S. Case No. 171 of 2019, District - Sheohar (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Adv. Mr. Rakesh Kumar, Adv. Ms. Jyoti Joshi, Adv.
For the Respondent/s	:	Mr. Ghulam Mustafa, Adv. Mr. Manish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT
Date : 06-04-2023

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

The petitioner has filed the present criminal writ petition for quashing the F.I.R. bearing Sheohar P.S. Case No. 171 of 2019 dated 01.08.2019 lodged under Sections 120(B), 409, 420 of the I.P.C.

Counsel for the petitioner submits that from the allegation attached in the form of letter with the F.I.R., there is two things which is there. The first is that the petitioner being the Junior Engineer has prepared the estimate and subsequently, letter has been issued to four persons including the petitioner for realization of money involved in the said project from the wrong doers. The said letter is of date 09.05.2012.

Counsel for the petitioner has annexed Annexure- 2 which is the Office order by which, it transpires that the petitioner was transferred from B.D.O. Office, Sheohar to his parent Department, namely, Water Resource Department, Bihar, Patna and he was relieved on 04.10.2008 itself.

Counsel further submits that after receiving information that the name of petitioner has figured in this criminal case, he has filed representation to the District

Programme Officer, Sheohar as well as to the District Magistrate, Sheohar, in which he has categorically stated about his innocence because he has neither issued work order nor part of agreement, nor work done measurement, nor involved in any work relating to master role, nor measurement of this scheme, nor paid any payment to the labourers, nor issued any cheque, nor he was responsible on the amount involved in this scheme. The only thing which has been done on his part is that he has prepared the estimate during his posting and in the B.D.O. Office at Sheohar, he has already transferred and relieved in the year 2008. Then it is a matter of great surprise for him that he has been made accused in this case in which there is absolutely no involvement of the petitioner, as it transpires from the documents attached in the writ petition.

Counsel for the State present and submits that the petitioner may be directed to represent himself before the Superintendent of Police, Sheohar 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.

This Court is of the view that petitioner is really innocent as it transpires on the basis of documents available. This Court is directed to the petitioner to represent himself

before the Superintendent of Police, Sheohar within four weeks’ from today, due to the reason that the Superintendent of Police, Sheohar must aware and exercise his power to save the innocent petitioner and also to make aware him that what wrongs are going on in his district. He is directed to go through the entire documents which the petitioner shall represent before him and take a decision within four weeks’ from the date of filing representation by the petitioner.

In the meantime, till taking decision from the Superintendent of Police, Sheohar, no coercive steps shall be taken against the petitioner. The petitioner may represent either in person or through his counsel before the Superintendent of Police, Sheohar.

With this observation, the present criminal writ application stands disposed off.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	