

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57054 of 2015

Arising Out of PS. Case No.-19 Year-1999 Thana- C.B.I CASE District- Patna

Ratneshwar Mishra son of Late Madaneshwar Mishra, resident of Village-Moh. Nehru Nagar, P.S. Patliputra, District Patna, then the Dean, Faculty of Social Science, Head of the Department of History, Lalit Narain Mithila University, Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mrs. Archana Palkar Khopde, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-03-2023 No one appears on call for the petitioner although Mrs. Archana Palkar Khopde representing the Vigilance is present.

This is an application for quashing of the order dated 23.9.2015 passed by the learned Special Judge, Vigilance-1, Patna in Special Case No. 21 of 1999 arising out of Vigilance P.S. Case No. 19 of 1999 under Sections 420, 465, 468, 471, 477, 109 and 120(B) of the Indian Penal Code and section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 read with section 4(2) of the Bihar Non Government Physical Training College and Non Government Teachers Training Colleges and Non Government Primary Teachers Education College, (Control and Regulation) Act, 1982.



The facts of the case are as follows :

One Ajay Kumar Mishra, Deputy Superintendent of Police-cum-Officer Incharge, Vigilance Police Station, Vigilance Investigation Bureau, Bihar, Patna lodged fardbeyan stating therein inter alia that an enquiry was made about the involvement of public servants with regard to grant of affiliation/recognition of S.M. Zarif College of Education, Bhingo/Mabbi, Darbhanga by Ajay Kumar Mishra and the said report was forwarded by Mr. Sunil Kumar Sinha, Addl. Superintendent of Police, Vigilance vide Memo No.151 dated 31.7.1999 to Additional Director General of Police, Cabinet (Vigilance), Bihar, Patna.

After enquiry, it was found that Mr. Jitan Ram Manjhi, the then State Minister, Secondary, Primary and Adult Education, Government of Bihar and others had committed an offence under sections 420, 465, 468, 471, 477A, 109 and 120(B) of the Indian Penal Code and section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 read with section 4(2) of the Bihar Non Government Physical Training College and Non Government Teachers Training Colleges and Non Government Primary Teachers Education College, (Control and Regulation) Act, 1982 which is a



cognizable offence and he has been authorized to lodge the First Information Report and accordingly he lodged the First Information Report. Along with the said report ,other documents were also annexed which form part of the said FIR.

On the basis of the said report, Vigilance P.S.Case No.19/1999 dated 3.8.1999 for the offences under sections 420, 465, 468, 471, 477A, 109 and 120(B) of the Indian Penal Code and section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 read with section 4(2) of the Bihar Non Government Physical Training College and Non Government Teachers Training Colleges and Non Government Primary Teachers Education College, (Control and Regulation) Act, 1982 was instituted.

It seems that with the passage of time, the matter may have moved to an advance stage, if not concluded.

As no one has appeared on call, the petition stands dismissed for non-prosecution with liberty to raise all the points before the Trial Court if the same is still on.

(Rajiv Roy, J)

Ajay Singh/-

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