

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1329 of 2019

Arising Out of PS. Case No.-276 Year-2019 Thana- BARAULI District- Gopalganj

Vijay Kumar Prasad, son of Late Asharfi Sah Resident of Village and P.O. -
Madhopur, P.S.- Barauli, District- Gopalganj, Presently Mukhiya of Gram
Panchayat Raj, Madhopur, Block- Barauli, District- Gopalganj

... .. Petitioner

Versus

1. The State Of Bihar Through The Director General Of Police Bihar Patna.
2. The District Magistrate, Gopalganj, District- Gopalganj Bihar
3. The Superintendent of Police, Gopalganj, District- Gopalganj Bihar
4. The Block Development Officer, Barauli, District- Gopalganj Bihar
5. The Station Head Officer, Barauli (Madhopur O.P.) Police Station, District-
Gopalganj Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. S.B.K. Mangalam, Advocate
Ms. Anita Kumari, Advocate

For the Respondent/s : Mr. M. Nasrul Huda Khan, S.C.-1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 09-05-2023 This application has been filed for quashing of the

F.I.R. vide Barauli (Madhopur O.P.) P.S. Case No. 276 of 2019

registered for the offence under Sections 420, 406 and 409 of

the Indian Penal Code.

It has been submitted by learned counsel for the
petitioner that allegations against the petitioner do not make out
any offence and if he had obstructed in the transfer of the fund,
it would be termed as dereliction of duty, for which action is
provided under Section 18(5) of the Bihar Panchayat Raj Act,
2006 and proceeding under Section 18(5) of the aforesaid Act is
pending in this Court. He further submits that in similar
allegation a coordinate Bench of this Court vide judgment dated



25.04.2023 passed in Cr. W.J.C. No. 129 of 2020 has quashed the F.I.R.

This Court is not in a position to quash the F.I.R. in the facts of the case. The petitioner is directed to give his defence including the fact that no F.I.R. is maintainable and in similar allegation a coordinate Bench of this Court has quashed the F.I.R.. If such defence are raised, the investigating officer shall consider the same and thereafter take a final decision whether any criminal offence has been made out or not. The Superintendent of Police, Gopalganj shall supervise the case and take final decision in the matter.

Till submission of the charge-sheet/final form, the petitioner shall not be arrested in connection with present case. If the final form is submitted, the petitioner is not required to appear in the Court below. If the charge-sheet is submitted against the petitioner, the petitioner shall take legal steps in accordance with law.

With the aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

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