

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1492 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- MUNGER MUFFASIL District- Munger

M/S VAISHNAVI HOSPITAL, MAURYA VIHAR COLONY, THROUGH
ITS PARTNER NAMELY PRINCE KUMAR TIWARI Transport Nagar, P.S.-
Agamkuan, District - Patna, Aged about 43 years (Male), Son of Late
Dhruvdeo Tiwari, Resident of Vaishnavi Hospital, Krishna Niketan School
Road Near Baadshahi Pain Jakariyapur, P.S.- Gopalpur, District – Patna
... Petitioner

Versus

1. The State of Bihar, Through the Principal Secretary, Department of Health, Government of Bihar, Patna, Bihar
2. The Principal Secretary, Department of Health, Government of Bihar, Patna Bihar
3. The Principal Secretary, Project and Development, Government of Bihar, Patna Bihar
4. Director General of Police, Bihar, Patna Bihar
5. District Magistrate, Munger Bihar
6. District Project Officer, Munger Bihar
7. Inspector General of Police, Munger Range, Munger Bihar
8. Senior Superintendent of Police, Munger Bihar
9. The Officer Incharge of Mufassil Police Station, Munger Bihar

... Respondents

Appearance :

For the Petitioner : M/s Ajay Kr. Thakur & Vaishnavi Singh, Advs.
For the Respondents : None

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-03-2023 Counsel for the petitioner is present.

The present writ petition has been filed for setting aside the first information report bearing Muffasil (Munger) P.S. Case No. 13 of 2021 lodged under Sections 420, 406 and 188 of the Indian Penal Code.

Counsel for the petitioner submits that he is absolutely submitting and confining his argument only and only to the



allegations made in the first information report. As per the allegation the Zila Yojna Padadhikari, Munger, has published a tender for outsourcing the cleaning work in which the petitioner appeared through its proprietor and deposited the document. The petitioner was selected by the Purchase Committee to conduct the work. The office has issued a letter in which terms and conditions were mentioned and direction was given to start the work, but, prior to start the work it was directed to enter into an agreement. The specific allegation against the petitioner is that instead of issuance of the letter, dated 09.12.2019, the petitioner has neither entered into an agreement nor started the work. It is due to this reason the officer directed to start the work and also by another letter granted last opportunity to do the work and then seized the earnest money of the petitioner and filed this first information report.

Counsel for the petitioner submits that upon going through the first information report no offence has been constituted under Sections 420, 406 and 188 of the Indian Penal Code. Counsel submits that earnest money of the petitioner has already been seized. Counsel submits that even no civil right has been developed between the parties what-about the criminal liability particularly when there is no contract to do the work.



No one appeared on behalf of the State to defend the case.

Upon going through the contents of the first information report, it transpires that there is absolutely no ingredient of either Section 420, 406 or 188 of the Indian Penal Code.

In this view of the matter, the said first information report bearing Muffasil (Munger) P.S. Case No. 13 of 2021 is hereby quashed.

With this observation, this writ petition is allowed.

(Dr. Anshuman, J)

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