

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77865 of 2023

In
CRIMINAL MISCELLANEOUS No.2266 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- ARA NAGAR District- Bhojpur

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PRATEEK RAVIDHAR S/O LATE KRISHNA MURARI DHAR R/O
MOHALLA- IMLITAL, P.S AND P.O- DANAPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MR. KRISHNA KUMAR SINGH S/O RADHA MOHAN SINGH (HEAD
CLERK INCHARGE) ARA NAGAR NIGAM P.O AND P.S- ARA, DISTT.-
BHOJPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned counsel for the petitioner submits that
the present restoration application has been filed seeking
restoration of Cr. Misc. No. 2266/2023, which stood dismissed
for default by an order dated 05.09.2023, as none had appeared
on behalf of the petitioner. The learned counsel for the petitioner
next submits that the aforesaid quashing application was filed
seeking quashing of an F.I.R. being Ara Town P.S. Case
No.180/2022 dated 28.02.2022 registered under sections 409,
420, 467 and 471 of the Indian Penal Code. The learned counsel



next submits that the aforesaid F.I.R. was instituted as per direction of the District Magistrate, Bhojpur, who got an inquiry conducted by a team comprising of Additional District Magistrate and Executive Engineer with regard to certain works, further the inquiry team found discrepancies in the work executed by the contractor, and thereafter, a report was submitted, based on the report, it was alleged that the petitioner was found guilty, as he had made wrong measurement on measurement book and also prepared bills according to the measurement. The learned counsel for the petitioner submits that petitioner is a Junior Engineer, he had merely measured the work and had prepared the bill but then there is no allegation that any monetary transaction took place for the same.

3. The learned APP vehemently opposes the restoration application and submits that the instant quashing application has been filed seeking quashing of an F.I.R. and the court should be reluctant in interfering when the case is under investigation, it is next submitted that the investigation may not be nipped in the bud, as it is a case of corruption. It is further submitted that if what has been pleaded and submitted by the learned counsel for the petitioner in the quashing application is true, the same will surface during the course of investigation



even and the police based on material collected during the course of investigation will either exonerate the petitioner of the charges or will file charge sheet against him but then the court should not interfere in the investigation.

4. Considering the submission made by the learned APP, the Court is not inclined to entertain the restoration application.

5. The restoration application is thus dismissed.

(Satyavrat Verma, J)

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