

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81740 of 2019

Arising Out of PS. Case No.-264 Year-2016 Thana- BARAUNI District- Begusarai

SANJAY KUMAR SINGH S/o Kharag Narayan Singh Residence of Muhalla-
Gurodaspur, Ward No. 19, Village- Bihat, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 29-04-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing the FIR lodged against the petitioner and some other persons Barauni (Chakia) P.S. Case No. 264 of 2016 registered for the offence under Sections 468, 420, 120B/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the FIR was registered against the petitioner making allegation that he has obtained the service by committing fraud and forgery but this allegation has been found to be false by the Appellate Authority vide its order dated 10.01.2019 passed by the State Appellate Authority in Appeal No. 264 of 2017.

The following has been held by the appellate authority in its order dated 10.01.2019.

“Thus, I do not find any forgery committed by Sanjay Kumar Singh in his different marks-sheet. Learned District Authority has wrongly held that he committed forgery and fraud



in obtaining employment. Based on his in correct finding, learned District Authority has also wrongly held that Sanjay Kumar Singh was not eligible for employment. In the result, the Appeal No. 264/2017 filed by Sanjay Kumar Singh is allowed and the Appeal/374/2017 filed by Dhiraj Kumar Singh is disallowed. Accordingly, the impugned order dated 25.01.2016, passed in Case No. 11/2014, by the District Teachers' Employment Appellate Authority, Begusarai, in so far it relates to its order for the cancellation of the employment of Sanjay Kumar Singh, is set aside and the order, so far it relates to the cancellation of the employment of Dhiraj Kumar Singh, is upheld.”

In view of the finding of the appellate authority, the prosecution of the petitioner is illegal and the same cannot be allowed.

Accordingly, the entire prosecution of the petitioner vide FIR Barauni (Chakia) P.S. Case No. 264 of 2016 is hereby quashed so far as the petitioner (Sanjay Kumar Singh) is concerned.

(Sandeep Kumar, J)

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