

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63734 of 2017

In
Criminal Writ Jurisdiction Case No.554 of 2017

Arising Out of PS. Case No.-218 Year-2005 Thana- SAMASTIPUR District- Samastipur

Subodh Kumar Sinha

... .. Petitioner/s

Versus

The State Of Bihar Through Principal Secretary, Home, Government Of Bihar, Patna and Ors

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nutan Sahay
For the State	:	Mr. Jharkhandi Upadhyay
For the Vigilance	:	Mr. Anil Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 01-08-2023 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 27.02.2017 Chief Judicial Magistrate, Samastipur in connection with Samastipur Nagar P.S. Case No. 218 of 2005.

3. The prosecution case in short is a case was transferred to Vigilance Bureau, Patna for investigation of flood relief scam and for the same the original papers and a detailed chart regarding receiving of goods was produced before the Superintendent, Vigilance Bureau and the petitioner is alleged to have made entry in the daily sattu registered at page II on the upper part and has endorsed 45 quintal sattu.



4. Learned counsel for the petitioner submits that the case against the petitioner is false as the police has submitted charge-sheet against the petitioner only on the basis of the FIR without doing proper investigation.

5. Learned counsel for the petitioner further submits that from reading of the Paragraph 114 of the case diary it is evident that the Dy. S.P. directed the investigating officer to submit final form.

6. Learned counsel for the petitioner further submits that till date, the petitioner is not found guilty and the vigilance has also not made the petitioner accused in this case.

7. It has further been submitted by the learned counsel for the petitioner that the State Government has not given sanction for prosecution of the petitioner and the learned Cheif Judicial Magistrate has taken cognizance without sanction order in a mechanical manner and therefore the order is fit to be quashed.

8. Learned counsel for the State has gone through the case diary and he has very fairly submitted that there is no material available in the entire case to connect the petitioner, even remotely with the alleged offence and the allegations levelled against the petitioner are not supported by any



evidence.

9. I have heard learned counsel for the Vigilance also. He has submitted that Vigilance is not a necessary party in this case.

10. Considering the aforesaid submission of the parties and also considering the fact that there is no material available against the petitioner found during investigation which supports the allegations against the petitioner, this application is allowed.

11. Accordingly, the order dated 27.02.2017 Chief Judicial Magistrate, Samastipur in connection with Samastipur Nagar P.S. Case No. 218 of 2005 and all consequential proceedings arising out of the aforesaid case is hereby quashed.

(Sandeep Kumar, J)

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