

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.40 of 2023

Arising Out of PS. Case No.-143 Year-2012 Thana- GHANSHYAMPUR District- Darbhanga

Kamla Pati Singh Son of Late Hanuman Singh, R/o Vill.- Barej, P.S.-
Mohania, Distt.- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Headmasters Secretary, Department of Home, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Superintendent Of Police, Darbhanga.
5. The District Planning Officer, Darbhanga.
6. The S.H.O. Ghanshyampur Police Station, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sushant Praveer, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present Cr. Writ Petition has been filed for quashing of F.I.R. bearing Ghanshyampur P.S. Case No. 143 of 2012 dated 05.08.2012, lodged under Sections 406/409/420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is named in the F.I.R. for defective works in the Girls High School, Korthu, Block Ghanshyampur. He further submits that vide Annexure-2 it is clear that the petitioner was not assigned to conduct the work of common room of Girls High School, Korthu, Ghanshyampur rather this work was assigned to one Assistant Engineer namely Shrawan Kumar Ashok. He



submits that petitioner was assigned the work for common room of Girls High School, Supaul Bazar. He further submits that the present F.I.R. has been lodged in the year 2012 and till date final report has not been submitted in this case.

Learned counsel for the State seeks time to file counter affidavit.

In view of the argument and perusal of Annexure-2, petitioner is directed to file representation before the Superintendent of Police, Darbhanga in the light of order passed in the case of *Surendra Singh Vs. State of Bihar and others* on 09.09.2022 in *Cr. W.J.C. No. 153 of 2017* with analogous cases within four weeks from the date of passing of this order.

The Superintendent of Police, Darbhanga is directed to take decision with regard to the petitioner.

Till filing of report under Section 173 (2) of Cr.P.C. no coercive step shall be taken against the petitioner in connection with Ghanshyampur P.S. Case No. 143 of 2012.

With the aforesaid direction, the present Cr. Writ Petition is hereby disposed off.

(Dr. Anshuman, J.)

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