

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.48 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- BARACHATTI District- Gaya

Awadh Bihari Prasad S/o Late Jugal Kishore Prasad Resident Of Mohalla-
Godavari Near Bhairo Sthan, P.S.- Rampur, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Superintendent of Police, Gaya.
3. The Station House Officer, P.S.- Barachatti, Mohanpur, Gaya.
4. The Investigating Officer, P.S.- Barachatti, Mohanpur.
5. The Circle Officer, Mohanpur, Gaya.
6. Suresh Kumar S/o Chandradev Das, R/o Village- Tarkulwa, Banjariya, P.O.-
Motihari, P.S.-Banjariya, Distt- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.
For the Respondent/s : Mr. Md. Nadim Seraj, 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 Barachatty/Mohanpur (Gaya, Sherghati) P.S. Case No. 82 of 2022 dated 03.02.2022, lodged under Sections 409 & 420 of the Indian Penal Code, 1860 pending before the court of A.C.J.M., Sherghati, Gaya.

Learned counsel for the petitioner submits that the present F.I.R. has been filed raising two points that during the service tenure of petitioner he has not deposited revenue



receipts having certain volumes, it has also been alleged that by virtue of non-depositing the government documents and the collected amount, he has grabbed the government money. He further submits that the reason of filing the present criminal case is mala-fide as earlier a case was instituted for dispute going on between the informant and the petitioner. He submits that petitioner has already deposited the alleged money through bank drafts and, as such, filing the present F.I.R. after four years of his retirement is bad in law. Counsel submits that with a view to harass the petitioner and not paying the retirement dues and pension the present F.I.R. has been lodged at the instance of informant.

Learned counsel for the State submits that in the F.I.R. there are allegations relating to government records and it requires investigation. He further submits that the Circle Officer, Mohanpur, Gaya has filed counter affidavit in this case and in paragraph no.14 of the said counter affidavit allegation has been made that till date petitioner has not submitted the proper account of the amount of 14 volumes of government rent receipts and only with a view to save skin he has deposited Rs.19,700/- and according to him due to non-submission of counter file of 14 volumes of government receipts the entire



matter is kept in abeyance.

In response thereof, counsel for the petitioner submits that the allegations made in paragraph no.14 of the counter affidavit is not correct. The petitioner has deposited much more amount which has been stated in paragraph no.14 of the counter affidavit.

In the present facts and circumstances and upon hearing the argument it transpires to this Court that disputed questions are involved here which requires investigation and, therefore, not inclined to quash the F.I.R.

Liberty is hereby granted to the petitioner that he may represent himself before the Superintendent of Police, Gaya 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.

With the aforesaid direction, the present Cr. Writ Petition stands dismissed.

(Dr. Anshuman, J.)

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