

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72369 of 2018

Arising Out of PS. Case No.-266 Year-2014 Thana- GHOSI District- Jehanabad

Chandradeo Thakur Son of late Ramcharitar Thakur Resident of Village-
Rampur, Post office- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar
For the Opposite Party/s	:	Mr.Smt. Reena Sinha
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 11-04-2023

Heard the parties.

This is an application for quashing of the order of framing of charge dated 30.06.2016 registered under Sections 409 and 420 of the Indian Penal Code passed by learned A.C.J.M., Jehanabad in Tr. No. 943 of 2015 arising out of Ghoshi P.S. Case No. 266 of 2014.

The prosecution case in short is that upon intimation of the informant who is the Block Education Officer, Ghoshi; an inspection was made in the School of the petitioner (Headmaster, Middle School, Ghoshi) on 22.09.2014 by the District Education Officer, District Programme Officer (Sarv Siksha) and DPO (Monitoring) and a report was submitted by DPO (Establishment) and the petitioner was suspended. An FIR



was filed by the Block Education Officer on 25.09.2014 for misappropriation of rice weighing 682.5 kg from Mid- Day Meal Scheme.

Learned counsel for the petitioner has submitted that for the same occurrence, the matter was investigated by the District Programme Officer, Jehanabad by report dated 05.08.2015 he has exonerated the petitioner.

Learned counsel for the petitioner has relied upon the recent judgment of the Hon'ble Supreme Court in the case of *P.S. Rajya vs. State of Bihar (1996) 9 SCC 1* and *Ashoo Surendranath Tewari vs. Deputy Superintendent of Police, EOW CBI and Anr. 2020 (9) SCC 636* and has submitted that if once the application is allowed, there are little chances that the petitioner will be convicted on the same set of evidence as the standard of proof is much more which is required.

Learned counsel for the State has opposed the prayer of the petitioner but has no answer to the report dated 05.08.2015.

Having considered the submissions of the parties and in view of the law laid down by the Hon'ble Supreme Court in the case of *P.S. Rajya vs. State of Bihar (supra)* and *Ashoo Surendranath Tewari vs. Deputy Superintendent of Police,*



EOW CBI and Anr. (supra), this application is allowed.

The Tr. No. 943 of 2015 arising out of Ghoshi P.S.

Case No. 266 of 2014, is hereby quashed.

(Sandeep Kumar, J)

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