

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.900 of 2021

Arising Out of PS. Case No.-51 Year-2019 Thana- BARHAT District- Jamui

-
1. RAM CHANDRA RAHI EX-DIRECTOR, SHRAM BHARATI, KRISHI VIGYAM KENDRA, KHADIGRAM, JAMUI, P.S-BARHAT DISTRICT,JAMUI AT PRESENT CHAIRMAN, RASTRIYA GANDHI SMARAK NIDHI, RAJGHAT, NEW DELHI
 2. KAPIL DEO SINGH S/O LATE RAM PRASAD SINGH EX-SECRETARY, SHRAM BHARATI, KRISHI VIGYAN KENDRA, KHADIGRAM JAMUI, P.S-BARAHAT, DISTRICT-JAMUI RESIDENT OF SHREE GANESH PRAVAWATI ENCLAVE, SHIVPURI, P.S-SHASTRI NAGAR, DISTRICT-PATNA.
 3. KRISHNA KUMAR BHAI @ KRISHNA KUMAR S/O LATE DHANPAT PRASAD EX-TREASURER, SHRAM BHARATI, KRISHI VIGYAN KENDRA, KHADIGRAMA, JAMUI, P.S-BARAHAT, DISTRICT-JAMUI, R/O RASULPUR, VIA-EKMA (CHHAPRA) SARAN, P.S-EKMA, DISTRICT-SARAN.
 4. LOKENDRA BHARATIYA S/O GYAN PRAKASH EX-DIRECTOR, SHRAM BHARATI, KRISHI VIGYAN KENDRA, KHADIGRAM, JAMUI, P.S-BARHAT, DISTRICT-JAMUI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH ADDL. CHIEF SECRETARY/HOME DEPTT.,GOVT. OF BIHAR OLD SECRETARIAT,PATNA PATNA
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, SARDAR PATEL BHAWAN, BAILEY ROAD, PATNA PATNA.
3. THE DISTRICT MAGISTRATE, JAMUI. JAMUI.
4. THE SUPERINTENDENT OF POLICE, JAMUI. JAMUI
5. THE OFFICER-IN-CHARGE, BARAHAT P.S, DISTRICT-JAMUI. JAMUI.
6. EMPLOYEES PROVIDENT FUND COMMISSIONER, BHAGALPUR, P.S-HAGALPUT, DISTRICT-BHAGALPUR. BHAGALPUR.
7. SRI ANIL KUMAR S/O SURENDRA DAS ENFORCEMENT OFFICER DISTRICT EMPLOYEES PROVIDENT FUND OFFICE, MUNGER, PRAFFUL BHAWAN, 1ST FLOOR, BETWAN BAZAR, MUNGER
8. THE BRANCH MANAGER, STATE BANK OF INDIA, JAMUI, P.S JAMUI DISTRICT JAMUI JAMUI
9. ANJANI KUMAR SINGH ZONAL DIRECTOR, AGRICULTURAL TECHNOLOGY APPLICATION RESEARCH INSTITUTE, ZONE-IV (INDIAN COUNCIL OF AGRICULTURAL RESEARCH) CENTRAL POTATO RESEARCH STATION CAMPUS, SAHAY NAGAR, PATNA
10. SUDHIR KUMAR SINGH S/O NOT KNOWN EX-PROJECT, CO-ORDINATOR, SHRAM BHARATI KRISHI VIGYAN KENDRA, KHADIGRAM, JAMUI, P.S-BARAHAT, DISTRICT-JAMUI.



- 11. BRAJESH KUMAR S/O NOT KNOWN AGRICULTURE SCIENTIST, SHRAM BHARATI, KRISHI VIGYAN KENDRA, KHADIGRAM, JAMUI, P.S-BARAHAT, DISTRICT-JAMUI.
- 12. ARUN SHUKLA S/O NOT KNOWN ACCOUNTANT, SHRAM BHARATI KRISHI VIGYAN KENDRA, KHADIGRAM, JAMUI, P.S-BARHAT, DISTRICT-JAMUI.
- 13. SHANKAR KUMAR S/O NOT KNOWN JUNIOR STENOGRAPHER-CUM CLERK, KRISHI VIGYAN KENDRA, KHADIGRAM, JAMUI, P.S-BARHATI, DISTRICT-JAMUI.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Prashant Kashyap Mr.Maheshwar Prasad
For the Respondent State	:	Mr. Suman Kumar Jha, A.C. to A.A.G.-3
for the Resp. No. 10, 11 & 13	:	Mr. Anjani Kumar, Sr. Advocate Mr. Prashant Sinha Mr. Brajesh Kumar Pandey
For the Respondent No. 12	:	Mr. Rajesh Kumar Sinha
For the S.B.I.	:	Mr. Apurv Harsh Mr. Manu Tripurari Mr. Raghu Pratap

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

12 24-06-2024 Heard learned counsel for the petitioners, learned

counsel for the E.P.F. and learned Senior Counsel appearing for

the Respondents No. 10, 11 and 13.

2. *This writ application has been filed for quashing the First Information Report in Barhat P.S. case no. 51/19 as well as the entire criminal proceeding against the petitioners which is mistake of fact lodged on the basis of a written Report dated 20.05.19 by one Anil Kumar, S/o Surendra Das, Enforcement Officer of Employees Provident Fund Office, Munger (informant) got lodged by Respondent nos. 10 to 13 who themselves stopped sending the provident Fund amount deducted from the salary of employees of Krishi Vigyan Kendra Khadigram, Jamui in whose office salary bills were prepared and deduction of provident amount were made as detailed in the F.I.R. and the said*



amount was to be sent to the office of provident Fund Commissioner, Bhagalpur for the period from September 2015 to October 2017 as before and they hatched a conspiracy to take revenge against the office bearers of Shram Bharati date to terminate the services of Respondent no. 10 to tarnish their image in the eyes of their well wishers and relatives and to bring disrepute to the Shram Bharati established in 1952 on Gandhian principles and also because petitioners began to keep strict vigil on their functioning and financial irregularities as stated in this writ application. Respondent no. 9 was also in conspiracy and in collusion with Respondent no.10 to 13 in this misdeed. It is stated that the informant, respondent no. 7 who obtained all papers including salary bills which are part of F.I.R. from the office of K.V.K. and being satisfied with the guilt of Respondent 10 to 13 he promised with petitioner no.2 on his mobile no. 9199119199 at his Patna residence from his own mobile nos. 97088770655 and 9708326435 from Khadigram on 24.4.2019, 16.5.2019 and 20.5.2019 to lodge F.I.R. against Respondent no.10 to 13 but surprisingly he against his own promise for the reasons best known to him being in conspiracy and in collusion with them, instead of lodging F.I.R against them he illegally and arbitrarily instituted false and fabricated F.I.R. against the petitioners which is illegal, arbitrary, malicious, malafide revengeful, mistake of fact and violative of articles 14,19,and 21 of the Constitution of India and is fit to be quashed.

The present writ application has also been filed for directing the Respondent nos. 9 and 10 to 13 deposit the amount of provident fund deducted from salary of employees of K.V.K. from the month of September 2015 to October 2017 being their own money to the office of Provident Fund, Commissioner, Bhagalpur immediately without any further delay. In this regard, a pertinent question arises as to where that amount gone and why the



same was not deposited? And in this view of the matter, a clear case of embezzlement and criminal misappropriation of that money is made out against Respondent nos. 9, and 10 to 13 in the facts and circumstances of this case beside this, the petitioners have learnt that Respondent no. 9 has withdrawn all money amounting to one crore from all Bank accounts of K.V.K. from state Bank of India in conspiracy with Respondent no.8 without any knowledge of petitioner 2 and 3 when the bank accounts of K.V.K. were being operated by them and for this guilt FIR against Respondent no.8 and 9 are to be lodged violating Banking Regulation Act and Criminal misappropriation of that money.

3. This application has been filed also for commanding Respondent 5 to institute FIR against Respondent no 8, 9 and 10 to 13 for embezzlement and criminal misappropriation of employees provident fund amount under IPC all money from the bank accounts of K.V.K. for violation of Banking Regularity without knowledge and also for withdrawing of petitioner no. 2 and 3 as the bank accounts of K.V.K. were bring operated by them from before as aforesaid.

2. The petitioner wants quashing of the F.I.R. on the basis of affidavit evidence which is not permissible in the light of the law laid down by the Hon'ble Supreme Court passed in the case of ***State of Bihar Vs. P.P. Sharma [1992 Supp (1) SCC 222]***.

3. This Court will not look into the material brought on record by the petitioner or the other side for quashing the F.I.R. by holding a mini trial.



4. In view of the above, this application is dismissed.

5. The petitioners may move this Court at an appropriate stage.

(Sandeep Kumar, J)

Saif/-

U			
---	--	--	--

