

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47870 of 2023

Arising Out of PS. Case No.-479 Year-2022 Thana- BAGHA District- West Champaran

1. Rameshwar Ram Son Of Late Meghan Ram Resident Of Village Harpur, P.O. Giddha, P.S. Saraiya, District Muzaffarpur..
2. Deonandan Yadav @ Deonandan Prasad Yadav Son Of Lal Krishna Yadav Resident Of Village- Balath, Po- Wari, Ps- Singhiya, Dist- Samastipur
3. Anand Mohan Son Of Late Tulsi Prasad Resident Of Village- Maranpur Brahamsthan, Po- Chandchaura, Ps- Vishnupad, Dist- Gaya
4. Birendra Kumar Son Of Late Ramchandra Singh Resident Of Uttarbari Pokhara, Ward No. 04, Po- Bettiah, Ps- (Bettiah) Kalibagh Op, Dist- West Champaran At Bettiah
5. Ramanath Jha Son Late Baidyanath Jha Resident Of Village- Dumra, Po- Brahmpura, Ps- Arer, Dist- Madhubani
6. Ram Naresh Choudhary Son Of Sri Ramashish Choudhary Resident Of Village- Bhagbanpur Chowk, Nh-28, Ps- Bhagbanpur, Dist- Muzaffarpur
7. Arvind Kumar Choudhary Son Of Sri Nand Lal Choudhary Resident Of Village And Po- Kansar, Ps- Belsand, Dist- Sitamarhi
8. Manoj Kumar Singh Son Of Late Surendra Nath Singh Resident Of Village- Uma Nagar Chandwa, Po- Chandwa, Ps- Nawada, Dist- Bhojpur (Arrah)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-09-2024 Heard learned counsel for the parties.

2. The present application has been filed for reversing/setting aside the First Information Report bearing Bagaha P.S. Case No. 479/2022 dated 06.07.2022 for offences under sections 409 and 420 of the Indian Penal Code as allegation against the petitioners are not substantiated as well as



ingredients of offences not available.

3. As per prosecution case, upon inquiry from 28.03.2018 to 04.10.2021 at different levels including district and department vide letter no. 1808 dated 14.05.2022. It was found that under Tharuhat region residential school were constructed in which sub-standard articles was supplied by suppliers and received by the then I/C Head Master and clerks of school without comparing with its sample in absence of advice, hence necessary legal action required. The name and descriptions and it was further contended that the relevant paper of tenders vide memo no. 364 dated 31.03.2018 and selection of contractor's details of Articles/materials referred and subsequently the departmental order under order no. 1808 dated 14.05.2022 is attached and referred to registered a case against accused persons. On the basis of written report Bagaha Police drew up the formal First Information Report and registered a case bearing Bagaha Police Station Case No. 479/2022 was lodged.

4. Learned counsel for the petitioners submitted that the petitioners have been exonerated in the departmental proceeding and therefore present prosecution in Bagaha Police Station Case No. 479/2022 be quashed.



5. I have gone through the exoneration orders of the petitioners which have been filed in the Court today. Though, the petitioners have been exonerated in the departmental proceeding but with a caviat that they shall be proceeded. However, if they are found guilty in the Bagaha P.S. Case No. 479/2022.

6. In these circumstances, reliance of the petitioners on the orders of exoneration in favour of the petitioners cannot be considered for quashing the F.I.R.

7. This application is dismissed.

8. The order produced by learned counsel for the petitioners are taken on record.

(Sandeep Kumar, J)

Ranjeet/-

U		T	
---	--	---	--

