

IN THE HIGH COURT of JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1693 of 2023

Arising Out of PS. Case No.-631 Year-2023 Thana- PIRBAHOR District- Patna

Md. Aftab Alam S/o Md. Ataurrahman R/o Library Building, Madarsa Islamia
Shamsul Hoda, P.S- Pirmahore, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Home Department, Patel Bhawan, Patna.
2. Additional Chief Secretary, Education Department, New Secretariat, Patna.
3. Director General of Police, Patel Bhawan, Patna.
4. Senior Superintendent of Police, Patna.
5. Deputy Superintendent of Police, Town- Patna, Distt- Patna.
6. Officer Incharge, Pirmahore Police Station, Distt. Patna
7. Md. Sabihul Haque at present working as officer Incharge, Pirmahore Police Station, Distt.- Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Advocate
For the Respondent/s : Mr. Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed seeking a direction to the respondent authorities to properly and fairly investigate Pirmahore P.S. Case No. 631 of 2023 registered for the offences alleged under Sections 447, 341, 323, 385, 504, 506 and 34 of the Indian Penal Code.

3. It is alleged that one Syed Mashhood Ahmad, who had been appointed with the petitioner and is In-charge Principal

of Madarsa Islamia Shamsul Hoda, Patna, on 07-07-2004 has forged and fabricated his educational certificates and obtained his appointment on the basis of those forged certificates.

4. Learned counsel for the petitioner submits that Syed Mashhood Ahmad has obtained three degree course certificates in the session 1990-91 as regular candidates from Aligarh, Patna and Bodhgaya in the courses of Adib Kamil, Dip. In. ED and M.A. He has two date of birth mentioned in the degrees of private institutions i.e. 18.09.1968 and 31.12.1973. These institutions are from outside the State of Bihar. He has obtained graduation degree even before attaining the age of fourteen years.

5. Learned counsel points out from the statements made in paragraph '9' of the writ application that on 10.07.2021, the petitioner filed an application before private respondent for lodging the F.I.R. against Syed Mashhood Ahmad and some officials of the Education Department with regard to the fraud and forgery but the F.I.R. was not lodged. He sent copy of the application dated 10.07.2021 by registered post which was received in the office of the private respondent namely Md. Sabihaul Haque, who is presently In-charge of Pirbahore Police Station (Respondent No.7). The F.I.R. was not lodged. The

petitioner had to move this court in Cr.W.J.C. No.1089 of 2021 for lodging of F.I.R. whereafter this Court vide order dated 03.08.2023 issued directions for filing the counter affidavit and thereafter the private respondent lodged the F.I.R. on 28.08.2023 in bailable sections by excluding the name of government officials of Education Department which itself is speaking about the conduct of the private respondent no.7.

6. Learned counsel submits that he has represented before the respondent authorities for taking legal action against the accused but nothing has been done as yet. A copy of the representation dated 07.09.2023 has been enclosed as Annexure '5' to the writ application.

7. Learned counsel for the State submits that there is definitely a huge delay in registration of the F.I.R. and the Officer In-Charge of the Pirbahore Police Station may only explain as to why he kept the application of the petitioner pending for about two years.

8. Having heard learned counsel for the petitioner and the State, this Court is of the considered opinion that this matter is required to be brought to the notice of the Senior Superintendent of Police, Patna (Respondent No. 4) who will examine in administrative side the conduct of respondent no. 7

in not lodging the F.I.R. for about two years and then in the F.I.R. he has wrongly mentioned the date of submission of information in the Police Station as 28.08.2023 whereas the copy of the application which is part of the F.I.R. is dated 10.07.2021. Prima-facie the conduct of the Officer In-charge requires serious consideration. The S.S.P., Patna shall supervise the case as also shall take appropriate action in administrative side in accordance with law.

9. Whosoever is investigating the case shall ensure that the case is duly investigated and the investigation be completed from all angles at the earliest preferably within a period of four months from the date of receipt/communication of a copy of this order.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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