

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11659 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- DESARI District- Vaishali

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Lalitesh Narayan Prasad, S/o Shri Deo Narayan Prasad Resident of Pankha
Toli, Litchi Bagaan, P.S.- Kazimohammadpur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-04-2025

Heard the parties.

2. This application has been filed for quashing the F.I.R. vide Dhesri P.S. Case No.117 of 2020 registered for the offence under sections 409, 420, 467, 468, 471, 477(A), 120-B of the Indian Penal Code and under section 13(2) read with section 13(1)(A) of the Prevention of Corruption Act.

3. The present F.I.R. has been lodged on the basis of a written report submitted by the Deputy Superintendent of Police, Vigilance Department to the Officer-in-Charge of Dhesri Police Station alleging therein that contrary to the Government orders, payments were made to the teaching and non-teaching staffs of the colleges who were not holding the sanctioned posts. Allegation against the petitioner is that he was



the Principal-in-Charge-cum-Ad-hoc Committee Member, has attended the meeting and decided to distribute an amount of Rs. 39,20,772/- to 45 such lecturers who were not working on the sanctioned posts and not distributed the amount to the lecturers who were working on sanctioned posts. In this way, huge Government fund has been misappropriated by the accused persons. Further, allegation has been made that disregarding the order of this Court passed in C.W.J.C. No.6336 of 2016, the petitioner issued cheque to the Branch Manager, State Bank of India, for the payment of salaries to the teaching and non-teaching staffs of the colleges and sent it to the bank for payment in his own and other employees account.

4. In the F.I.R. the role played by each of the accused persons have been narrated in detail. In my opinion, the F.I.R. cannot be quashed in such a case where the investigation is required. The defence of the petitioner cannot be seen at this stage. If the petitioner wants his defence to be examined by the Police, he may file a representation before the Investigating Officer of the case. If such a representation is filed, the same shall be considered by the Police, if the investigating is still pending. If the investigation has been concluded, the petitioner has other legal remedies also.



5. With the aforesaid observations and directions, this application is dismissed.

(Sandeep Kumar, J)

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