

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1578 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- AIRPORT District- Patna

CHANDAN KUMAR Son of Kartik Singh Resident of Village-Pipra, P.O.-
Dumri, Police Station-Ratanpur O.P., District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Home, Govt. of Bihar, Patna, Bihar
2. The Director General of Police, Bihar, Sardar Patel Bhawan, Nehru Path, Patna. Bihar
3. The Senior Superintendent of Police, Patna. Patna.
4. The Officer Incharge Hawaii Adda Police Station, Patna. Patna
5. The Investigating Office (Hawai Adda P.S. Case No. 152/2023) Hawaii Adda Police Station, Patna. Patna
6. SRI MANOJ KUMAR, Son of Late Chandeshwar Razak, the Executive Engineer, Bihar Police Building Construction Corporation, Bhagalpur Division, Bhagalpur.
7. The Chief Engineer, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna-14. Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kundan Kumar Sinha
For the Respondent/s	:	Mr.Md. Nadim Seraj
		Mr.Iqbal Asif Niazi, AC to GP 5

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 21-04-2025 Heard Mr. Aditya Narayan Singh learned counsel
for the petitioner, learned counsel for the State and Mr. Prasoon
Sinha learned counsel for the Bihar Police Building
Construction Corporation.

2. This writ application has been filed seeking a
direction to the respondent authorities to withdraw the FIR
bearing Hawaii Adda P.S. Case No. 152 of 2023 registered for



the offence under Section 467, 468, 471, 420 and 120/511 of the Indian Penal Code.

3. The ground which has been pressed by the learned counsel for the petitioner for withdrawal of the FIR is as follows:-

The F.I.R. against the petitioners are reckless registration of loosely laid offence the allegation related to the tender process of E-Tender bearing Tender No.05/SBD/2022-23. The tender papers submitted by the petitioner's firm was already withdrawn prior to the date of opening of technical bid. So a criminal case registered on a non-existing bid is completely illegal. Though the document alleged to be forged one is not a forged document and it was not used, as the bid submitted by the petitioner firm was a non-existing bid and therefore it was not to be declared as non-responsive.

4. The grounds of the petitioner appears to be grounds of defence for quashing of the FIR which cannot be looked into by this Court at this stage in view of the law laid down by the Hon'ble Supreme Court in the Case of ***State of***



Bihar and Ors. Vs. P.P. Sharma and Anr. 1992 (1) SCC (SUPP) 222.

5. Accordingly, this application is dismissed with a direction to the petitioner to represent before the I.O. of the case along with the relevant documents and I.O. of the case will act in accordance with law after considering the representation filed by the petitioner.

6. The dismissal of the present writ application will not prejudice the petitioner in investigation.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

