

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1554 of 2023

Arising Out of PS. Case No.-151 Year-2023 Thana- AIRPORT District- Patna

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1. MS NIRMAN ENGICONS PVT LTD THROUGH ITS DIRECTOR SUBODH KUMAR Son of Bipin Singh R/o vill - Madhurapur Purwari Tola, P.O. and P.S. - Madhurapur, Distt. - Begusarai
 2. Narendra Prasad Singh Son of Ram Bilash Singh R/o vill - Mohanpur ward no. 1, P.S. - Muffasil, Distt - Begusarai, Director M/s Nirman Engicons Pvt. Ltd.
 3. Rina Devi Wife of Narendra Prasad Singh R/o vill - Mohanpur ward no. 1, P.S. - Muffasil, Distt. - Begusarai, Director M/s Nirman Engicons Pvt. Ltd.
 4. Pankaj Kumar Son of Bipin Singh R/o vill - Madhurapur Purwari Tola, P.O. and P.S. - Madhurapur, Distt. - Begusarai, Director M/s Nirman Engicons Pvt. Ltd.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Dep. of Home, Gov. 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 Bihar
4. The Officer Incharge Hawaii Adda Police Station, Patna Bihar
5. The Investigating Office (Hawaii Adda P.S. Case no. 151/2023) Hawaii Adda Police Station, Patna Bihar
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 Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Sinha
For the Respondent/s : Mr.Sheo Shankar Prasad

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 Hawai Adda P.S. Case No. 151 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)

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