

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25868 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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ANIL KUMAR SINGH S/o- LATE NARESH PRASAD SINGH VILLAGE
SADPUR, P.S. BANKA, DIST. BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 22-06-2026

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks quashing of the F.I.R. of Kotwali
Barari, Bhagalpur P.S. Case No. 334 of 2022 dated 27.04.2022,
registered for the offences under Sections 467, 468 and 420 of the
Indian Penal Code.

3. The F.I.R. was lodged under Sections 467, 468 and
420 of the Indian Penal Code. The crux of the allegation is that the
petitioner was given a contract for road construction in
anticipation of a visit by the Hon'ble President. He completed the
work. The allegation is that one challan of bitumen submitted by
him was found to be forged, on the basis of which the instant case
was registered.



4. Learned counsel for the petitioner draws the attention of this Court to the inquiry that was held and to the writ proceedings in CWJC No. 13997 of 2018. Paragraph 4 of the order in that writ reads as under:

“The work admittedly has been completed within the stipulated time.”

5. Thereafter, it appears that a three-member inquiry committee was constituted. Before the committee, the petitioner acknowledged that Rs. 4,82,003/- had been paid to him in excess and relinquished his claim thereto, consenting to deduction of the said amount from his other bills. In that background, the petitioner was let off with a warning and the inquiry committee submitted its report. The report is part of the record at Register No. 20 dated 01.09.2019.

6. The basic facts of the case are not in dispute. An emergency work was assigned to the petitioner, who is a local contractor. He completed the work within time. The completion of work has not been disputed by the respondents even in the writ proceedings. It is common knowledge that in the State of Bihar, in emergent situations, such contracts are given and the contractors do their best to complete the work in order to save the prestige of the department. Finding fault with a bill thereafter, where there is



no complaint with regard to the quality of the work, does not commend itself on the facts and circumstances of this case.

7. Moreover, whatever loss the department sustained on account of the bills in question has been made good, and the department, after considering all the materials on record, chose to let off the petitioner with a warning alone. There is, accordingly, no point in continuing the instant litigation. It is made clear that no aspect of this case or these proceedings shall come in the way of the petitioner when he applies for any fresh work under any department in the State of Bihar or elsewhere.

8. Learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the F.I.R. of Kotwali Barari, Bhagalpur P.S. Case No. 334 of 2022 dated 27.04.2022.

9. The power conferred upon the High Court under Section 482 of the Code of Criminal Procedure, 1973 now corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is an inherent power preserved to prevent abuse of the process of any court or otherwise to secure the ends of justice: ***R.P. Kapur vs. State of Punjab*** reported in ***AIR 1960 SC 866***. This power must, however, be exercised sparingly and with circumspection, and that too in the rarest of rare cases: ***State of Haryana v. Bhajan Lal*** reported in ***1992 Supp (1) SCC 335***. In



Bhajan Lal, the Supreme Court laid down seven illustrative categories of cases in which such power may be exercised. The facts of the present case attract Category 7, namely, where a criminal proceeding is manifestly attended with *mala fide* and/or is maliciously instituted with an ulterior motive. The departmental inquiry has concluded, the alleged loss stands recovered, and the petitioner has been let off with a mere warning. Continuing this prosecution in those circumstances would constitute an abuse of the process of this Court.

10. In such view of the matter, this Court, in exercise of the inherent power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 482 Cr.P.C.), quashes the F.I.R. of Kotwali Barari, Bhagalpur P.S. Case No. 334 of 2022 dated 27.04.2022, so far as the petitioner is concerned.

11. Accordingly, the present petition stands allowed.

(Ansul, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2026
Transmission Date	24.06.2026

