

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26757 of 2019

Arising Out of PS. Case No.-341 Year-2015 Thana- GHOSI District- Jehanabad

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Arun Kumar Son Of Ramashray Yadav Resident Of Village - Dumri, P.S.-
Ghosi, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjesh Kumar Singh
For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 22-01-2026 Heard the learned counsel for the petitioner and Mr.
Jharkhandi Upadhyay, the learned counsel for the State.

2. This application has been filed for quashing the order dated 25.10.2018 passed by the learned Chief Judicial Magistrate, Jehanabad in G.R. No. 2469 of 2015/Trial No. 1245/2018 arising out of Ghosi P.S. Case No. 341 of 2015 by which the Court below rejected the discharge application of the petitioner.

3. The brief facts of the case are that on 04.12.2015, the Block Education Officer, Ghosi submitted written information to the Station House Officer, Ghosi Police Station, referring to letter no. 1771, dated 09.11.2015 stating that Arun Kumar, the In-Charge Headmaster of the upgraded Middle School, Virupur, under Ghosi Block, had been issued an



advance amount of Rs. 18,23,609/- during the financial year 2011-12. This amount was released to the School Education Committee of the upgraded Middle School, Virupur, for the construction of six Additional Classrooms (ACRs) in the school. However, since the construction work remained incomplete, it was alleged that this amounted to a case of misappropriation of the funds. Consequently, the Block Education Officer requested the registration of an FIR against Arun Kumar, the In-Charge Head Master. Based on this information provided on 04.12.2015, Ghosi P.S. Case No. 341/2015 was registered on 13.12.2015 under Sections 409 and 420 of the Indian Penal Code against the petitioner, Arun Kumar. After the investigation, a charge sheet was submitted under Sections 409/420 of the Indian Penal Code.

4. The learned counsel for the petitioner after relying on the records submits that the entire work in question has been completed.

5. The APP for the State has also supported this contention of the learned counsel for the petitioner after relying on the records of the case.

6. In view of the submissions made by both parties and after perusing the records, it is apparent that the



construction work, which was initially incomplete, has now been completed, and no evidence has been found to substantiate any claim of misappropriation of funds.

7. In these circumstances, the application stands allowed. Accordingly, the order dated 25.10.2018 passed by the learned Chief Judicial Magistrate, Jehanabad in G.R. No. 2469 of 2015/Trial No. 1245/2018 arising out of Ghosi P.S. Case No. 341 of 2015 and all the consequential proceedings arising out of the aforesaid FIR are hereby quashed. The petitioner is discharge from all the charges.

(Sandeep Kumar, J)

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