

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1624 of 2019

Arising Out of PS. Case No.-102 Year-2018 Thana- KATIHAR NAGAR District- Katihar

Bharat Bhushan Gupta @ Bharat Bhuhan Gupta Son of Late Arjun Lal, Resident of Village- Rajauli, Police Station- Rajauli, District- Nawadah, at present residing at RD Tower A141, New Punaichak, Behind SBI, Rajvanshi Nagar, Police Station- Rajvanshi Nagar, District- Patna, presently posted as Block Panchayat Raj Officer, Khajauli, Block, Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Additional Director General of Police, Bihar, Patna.
4. The Managing Director, BSFC, Bihar, Patna.
5. The Inspector General of Police, Purnea, Bihar
6. The Deputy Inspector General of Police, Koshi Range, Purnea, Bihar
7. The General Manager (storage), H.Q., Bihar, Patna.
8. The Deputy General Manager (PDS), Bihar, Patna
9. The District Magistrate, Katihar, Bihar
10. The Superintendent of Police, Katihar, Bihar
11. The Deputy Superintendent of Police, Katihar, Bihar
12. The S.H.O., Town P.S.- Katihar, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Ram Binod Singh, Advocate
For the State	:	Mr. Manish Kumar, GP-4
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

12 10-02-2026 The present writ petition has been preferred by the petitioner for quashing of the F.I.R. bearing Katihar Town P.S. Case No. 102 of 2018, registered for the offence punishable under Sections 166, 420, 409 and 120(B) of the Indian Penal Code and Section 7 of the E.C. Act, 1955.

2. Heard learned counsel for the petitioner and learned APP for the State as well as learned Standing Counsel for the



BSFC.

3. Learned counsel for the petitioner submits that this F.I.R. has been lodged in regard to misappropriation/missing of food-grains in Bazar Samittee, Tingachhiya Godown in the District- Katihar in regard to which F.I.R. has been lodged by the petitioner himself being District Manager of the SFC, Katihar and this F.I.R. was lodged against twenty three persons including officials of BSFC, Katihar and transporters and later on, in regard to the same misappropriation/missing of the food-grains, this F.I.R. has been lodged by the subsequent District Manager, SFC Katihar against the present petitioner by subsequent District Manager of SFC, Katihar. On account of this FIR, departmental proceeding was also initiated against the petitioner, but he was exonerated in the departmental proceeding.

4. He further submits that the second F.I.R. in regard to same transaction is not maintainable. At most, the State could have made the petitioner a co-accused in the first F.I.R. lodged by the petitioner himself bearing Katihar Town P.S. Case No. 55 of 2018, but the present/second F.I.R. is not maintainable. As such, this petition should be allowed quashing the F.I.R.

5. Learned Standing Counsel for BSFC contests the



submission advanced by learned counsel for the petitioner. However, he does not satisfy the Court how second F.I.R. could be maintainable in regard to the same transaction and why the State has not taken step to make the petitioner a co-accused in the first F.I.R. lodged by the petitioner himself.

6. Hence, in my considered view, the F.I.R. in question, being second F.I.R. in regard to same transaction, is not maintainable. It is liable to be quashed. Accordingly, the petition is allowed, quashing the FIR bearing Katihar Town P.S. Case No. 102 of 2018.

7. However, it is clarified that the State has liberty to investigate against the petitioner in the F.I.R. bearing Katihar Town P.S. Case No. 55 of 2018 lodged by the petitioner himself. If the investigation is already closed, he can seek permission from the Court concerned for further investigation and start investigation against him or he has also liberty to move an appropriate application to summon the accused at the stage of prosecution evidence under Section 319 Cr.PC, if so advised. The petitioner will have also liberty to take all defence or raise objection as per law.

(Jitendra Kumar, J.)

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