

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64362 of 2019

Arising Out of PS. Case No.-170 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. VIJAY KUMAR Son of Sri Rajnandan Ram Presently posted as Junior Engineer in Prathamik Siksha Ewam Sarv Siksha Abhiyan, Nawada and Permanent resident of Village - Purnachatra, Tatisilwai, P.S.- Tatisilwai, District- Ranchi, Jharkhand
 2. Ram Rekha Prasad @ Ram Rekha Singh Son of Late Ramchandra Singh Presently posted as Technical Supervisor in Prathamik Siksha Ewam Sarv Siksha Abhiyan, Nawada and Permanent Resident of Village - Barah, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Jitendra Kumar Son of Sri Sidheshwar Singh Resident of Nanauri, P.S.- Akbarpur, District- Nawadah, At present Headmaster of Primary School, Bala Bigha, P.S.- Akbarpur, District- Nawadah

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar Roy
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 27-01-2026 Heard the parties.

2. This application has been filed on behalf of the petitioners for quashing the order taking cognizance and issuance of summons dated 15.04.2019 passed by the learned CJM, Nawada in connection with Complaint Case No. 170 of 2017.

3. The complaint petition, in short, is that Sarva Shiksha Abhiyan, Nawada allotted Rs. 7,39,000/- for



construction of first building and Rs. 4,06,000/- was allotted for construction of second building but, Rs. 5,51,250/- in place of Rs. 7,39,000/- and Rs. 03,01,150/- in place of Rs. 4,06,000/- have been sent in the account of Primary School, Bala Bigha by Sarva Shiksha Abhiyan, Nawada. It has also been alleged that construction of school building was made in presence of headmaster, Secretary and President as well as Vijay Kumar, Junior Engineer (petitioner no-1) and Ramrekha Prasad, Technical Assistant (petitioner no 2) and after that the Headmaster requested Junior Engineer Vijay Kumar and Technical Assistant Ramrekha Prasad for preparing MB of building construction work but, they refused to prepare M.B. and demanded Rs. 1,00,000/- as commission for preparing said M.B. and when the complainant refused to give Rs. 1,00,000/- to the accused petitioners then both the accused petitioners abused him and assaulted with fist and slaps and they also snatched gold chain and wrist watch of the complainant. It is also alleged that the petitioners threatened to lodge case of Harijan Atrocity and with the said allegation, the present complaint petition has been filed and thereafter cognizance was taken.

4. It has been submitted by the learned counsel for the



petitioners that the petitioners are government servants and the present complaint petition is false and concocted and has only been filed to harass the petitioners.

5. Learned counsel for the petitioners further submits that the allegations levelled against the petitioners are ornamental and no offence, as alleged against the petitioners under the provisions of IPC, is made out against them.

6. Learned APP for the State has opposed the prayer of the petitioners and has also supported the impugned order.

7. I have heard and considered the submission of the parties.

8. Upon perusal of the complaint petition and the entire records, it appears the petitioners, who are Junior Engineer and Technical Assistant respectively, have falsely been implicated by the Headmaster, Secretary and Chairman, who were alleged to have defalcated the government money by the petitioners.

9. In view of the above, the present prosecution appears to be mala fide one and the same cannot be allowed to continue in view of the judgment of the Hon'ble Supreme Court in the case of *State of Haryana Vs. Bhajan Lal reported in 1992 Supp (1) SCC 335*.



10. Accordingly, this application is allowed and order
15.04.2019 passed by the learned CJM, Nawada in connection
with Complaint Case No. 170 of 2017 is hereby quashed.

(Sandeep Kumar, J)

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