

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75700 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- KURTHA District- Jehanabad

Md. Nawab Sajid Iqbal @ Md. Sajid Iqbal S/O Md. Sajjad Alam R/o Ward
No. 33, Chitkoli, Aara, Bhojpur, PIN- 802301.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Sinjha S/O LT. Sitaram Ray R/O 65, Parsa Bazar, New
Aitwarpur Kuthaul, Patna, PIN-804453.
3. Sushri Behan Sweta D/O Binod Kumar R/O Village- Aadarsh Nagar, P.O
and P.S- Harnaut, Distt- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
CAV JUDGMENT

Date : 12-02-2026

Heard learned counsel for the petitioner and the learned
APP for the State.

2. The present application has been filed for quashing of
the FIR of Kurtha P.S. Case No. 445 of 2023 registered for the
offences under Sections 116, 420 and 34 of the Indian Penal Code.

3. The prosecution case giving rise to the present
application is to the effect that the informant gave a written report
before the Alwar police stating therein that he was the Assistant
Settlement Officer (Headquarter), Arwal and on the instructions of
Additional Collector-cum-Settlement Officer, Arwal filed the
present report alleging that the petitioner was the Special Survey



Kanungo and was given Camp Kurtha-III, while one Ms. Behan Sweta was allotted village Nadaura. It has been alleged that on 27.11.2023, an audio went viral with regard to some exchange of money. The said viral audio was inquired into by the informant and one Monika Anand, the Revenue Officer-cum-Kanungo on 29.11.2023 and during such inquiry the Survey Amin admitted that the Special Survey Kanungo *i.e.* the petitioner was demanding money from one Raiyat Chitranjan Prasad Singh through Whats app call. It has been admitted that the money was being demanded to be handed over to the petitioner and it has also been admitted by Ms. Behan Sweta that the audio was made viral by her. Since the allegation of transaction of money was made against Government Officials which leads to corruption therefore the FIR was lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated at the behest of the informant out of personal grudge and rivalry. It has been submitted that the petitioner was discharging his duty as per the provisions of the Bihar Special Survey and Settlement Rules, 2012 and as amended in 2019 and the same has been admitted by the petitioner in his statement of fact which arose from the order of inquiry instituted on the orders of the Settlement Officer.



5. Learned counsel for the petitioner submits that O.P. No. 3, Ms. Behan Sweta had a dubious personality and she has been involved in cheating many innocent persons. Learned counsel for the petitioner submits that the police too did not conduct proper inquiry and has collected half of the information. It has been submitted that the petitioner had found lacunae and laches on the part of O.P. No. 3 and hence in a revengeful enmity the present case has been lodged.

6. The learned counsel for the petitioner further submits that the police has proceeded ahead without taking pains to get the video verified through a proper FSL report and only with a view to implead the petitioner in the false case, the FIR has been lodged. The learned counsel for the petitioner draws attention of this Court towards Annexure-P3, whereby the petitioner had submitted his show-cause before the Director, Assistant Director, Land Record and Measurement, Patna wherein he had specifically stated about huge interpolation of records in reporting and conduct of O.P. No. 2 and when warning was communicated to O.P. No. 3, Ms. Behan Sweta she under a caucus and conspiracy implicated this petitioner in false case.

7. Lastly, it has been submitted that the present lodging of the FIR has been made with an ulterior motive to seek



vengeance against the petitioner and therefore the matter is covered by the case of State of *Haryana and Ors. vs. Bhajan Lal and Ors.* reported in *1992 Supp (1) SCC 335*. The learned counsel for the petitioner has further submitted that it was the O.P. No. 3, whose conduct was being verified and the petitioner has falsely been implicated in this case and therefore continuation of the criminal proceedings on the basis of the said FIR would amount to abuse of the process of law.

8. Learned APP for the State has pointed out that the case diary had been called for earlier and from perusal of the same, it would be evident that the police upon investigation had decoded the audio and from the perusal of the same it would be evident that the petitioner had categorically made a demand of Rs. 50,000/- in order to help the person about whom the two accused persons namely the petitioner and Ms. Behan Sweta were talking about.

9. Learned APP further submits that from such categorical reading of the audio clip which has been recorded in the case diary it would be evident that there is a *prima facie* case made out against the petitioner and hence a charge-sheet was submitted against the petitioner on 29.03.2025.

10. Having heard the learned counsel for the parties and having perused the case diary and the pleadings, it is clear that the



police had, during the course of investigation, the audio clip in which the petitioner is heard talking to the other co-accused and was also found demanding certain amount.

11. In view of such categorical mention of demand of money and taking into account that charge-sheet has already been submitted and the petitioner has filed the present application for quashing of the entire FIR, I do not find any material on record to interfere with the FIR at this stage.

12. The present application is thus devoid of any merit and is dismissed.

(Sourendra Pandey, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	09.02.2026
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