

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.412 of 2023

Arising Out of PS. Case No.-361 Year-2021 Thana- KALYANPUR District- Samastipur

ASIM KUMAR S/o Ram Dayal Sah R/v- Gauspur Sarsauna, P.O.- Gauspur
Sarsauna, Gauspur, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Vigilance, Investigation Bureau, 6 Circular Road, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kaushal Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Ajay Mishra, APP
For the Vigilance :	Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 13-01-2026 Heard the learned counsel for the petitioner, learned
APP for the State and learned counsel for the Vigilance.

2. The petitioner in the present case prays for the
following relief(s):-

*1. That, this an application for quashing
the First Information Report which is as Kalyanpur
P.S. Case No. 361 of 2021 dated 16.12.2021
offences under section 420, 467, 468, 171, 120(B)
of the Indian Penal Code extent to the petitioner
pending before learned C.J.M. Samastipur.*

3. Learned counsel for the petitioner submits that



the petitioner has sought the quashing of the F.I.R, which was lodged in pursuance to the direction of the Hon'ble High Court to enquire with regard to the genuineness of the appointments made of *niyojit* teachers, who were appointed from 2006 to 2015 in the State of Bihar. It has been submitted that, as per the allegations levelled in the F.I.R, the informant has stated that during the enquiry in Samastipur district, it was found that the BETET certificate of the petitioner, who was appointed at Dharampur Primary School, was forged.

4. Learned counsel for the petitioner submits that the petitioner was appointed as a *Panchayat* Teacher in the year 2011 on the basis of the certificate given by the Bihar School Examination Board (for brevity, the Board) to him. It has been submitted that the petitioner had appeared for the BETET examination and the certificate was, in fact, issued by the Board and no forgery has been committed by him. It has next been submitted that the petitioner has been falsely implicated at the behest of the informant and there is no illegality insofar as the certificates of the petitioner are concerned.



5. Learned counsel for the petitioner refers to the supplementary affidavit, wherein it has been submitted that the petitioner was terminated from service after lodging of the instant F.I.R without any opportunity to defend himself and that even the present F.I.R was lodged on the basis of an *ex-parte* enquiry and no show-cause notice was ever issued to the petitioner in order to enable him to establish his bonafide.

6. In view of the aforesaid facts and circumstances, it has been submitted that the F.I.R lodged against the petitioner may be quashed in order to prevent miscarriage of justice.

7. Learned counsel appearing on behalf of the Vigilance opposes the application of the petitioner and submits that the petitioner had submitted a forged certificate which is said to have been issued by the Board. Learned counsel for the Vigilance has submitted that during the course of enquiry, the Bihar School Examination Board, Patna, vide letter no. BSEB/VVC/591/2021 dated 08.06.2021, informed that in the records of the Board, Patna, the BETET result card submitted by the accused



petitioner bearing particulars such as father's name, Ramdayal Sah, roll number 2323111708, category-BC, year-2011, marks obtained-090 in Paper-I, result-qualified, and serial number-06987, is actually in the name of another person, namely Mahesh Ram, son of Rajdev Ram.

8. The Board has pointed out that the result card submitted by the petitioner has been marked as fake by the Board and therefore the Vigilance, upon inquiry, has come to the conclusion that the petitioner had got himself appointed as a niyojit primary teacher by tampering with his name, his father's name, his category, marks obtained and the BETET-2011 result card serial number, which was originally issued in the name of Mahesh Ram.

9. Learned counsel for the Vigilance further submits that on account of a *prima facie* cognizable offence being found, the present F.I.R, being Kalyanpur P.S. Case No. 361 of 2021, was registered against the accused petitioner. It has been submitted that the offences as stated in the F.I.R are clearly made out, as the petitioner had got himself appointed on the basis of a forged BETET result card by presenting it as a genuine document before the



Gram Panchayat Shiksha Niyojan Ikai, Teera, Block-Kalyanpur, District-Samastipur and thus committed offences of cheating, forgery of documents and using forged documents as genuine. Learned counsel for the Vigilance thus submits that there is no illegality in the lodging of the F.I.R, as a *prima facie* case has been found against the petitioner.

10. Having heard learned counsel for the parties, this Court finds that the petitioner has raised disputed questions of fact. It is no longer *res integra* that this Court, while exercising its power under Section 482 Cr.P.C, has no jurisdiction to examine the correctness or veracity of the allegations levelled in an F.I.R.

11 The Hon'ble Supreme Court has laid down various guidelines in this regard, wherein the aforesaid proposition finds support, and one such judicial pronouncement is **State of Haryana v. Bhajan Lal, AIR 1992 SC 604.**

12. Learned counsel for the Department of Vigilance has referred to a judgment of the Hon'ble Supreme Court passed in SLP (Criminal) No. 1500 of 2024



and analogous cases, wherein the Hon'ble Supreme Court was dealing with a case in which forged and fabricated documents were used to procure a tender in favour of the appellant therein. Paragraph 17 of the said judgment, which is relevant for the present purpose, is quoted hereinbelow:

“17. The High Court ought to have considered the complicity of the accused in case of forgery, which will have to be addressed after a proper appreciation of evidence and such appreciation of evidence can be done only by undertaking the initial process i.e. by conducting the trial on the aspect of forgery. The summons order was only at an initial stage and at such a nascent stage, the High Court ought not to have recorded the finding on the aspect of forgery.”

13. The Hon'ble Supreme Court has taken note of the fact that the aspect relating to the complexity of the involvement of the present accused would require proper appreciation of facts, which can be undertaken only during trial and not at a nascent stage.



14. From the facts of the present case, it is clear that the petitioner is invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C to test the veracity of the facts, having challenged the inquiry conducted by the Vigilance. This Court, therefore, finds that the petitioner is not entitled to any relief at this stage, as this Court does not have the jurisdiction to examine the correctness of the allegations levelled against the petitioner.

15. Having regard to the foregoing discussions, this Court is of the considered view that there is no merit in the case of the petitioner and the same is dismissed. It goes without saying that the petitioner shall be at liberty to raise all issues relating to the veracity of the documents or disputed questions of fact before the learned trial court at the appropriate stage, if so advised, which shall be considered by the learned trial court without being prejudiced by the rejection of the present application.

(Sourendra Pandey, J)

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