

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51350 of 2023

Arising Out of PS. Case No.-443 Year-2023 Thana- JAMUI District- Jamui

SAKALDEO KUMAR MANDAL @ SAKALDEO MANDAL S/o- LATE
RAMI MANDAL Village- Satganwa Ps- Jamui Dist- jamui

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna Bihar
2. The Superintendent of Police, Jamui Bihar
3. The District Magistrate, Jamui Bihar
4. The Officer Incharge, Police Station- Jamui Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Priyanka Singh, Adv. Mr.Umesh Prasad, Adv. Mr. Bihari Sen, Adv. Mr.Harsh Kumar, Adv.
For the Opposite Party/s :		Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 15-05-2026

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks quashing of the F.I.R. in connection with Jamui P.S. Case No. 443 of 2023, by which the learned Chief Judicial Magistrate, Jamui has taken cognizance of the offences under Sections 419, 420, 466, 467, 468, 471, 120(B) and 353 of the Indian Penal Code.

3. The prosecution case in brief is this. A person named Amod Shah @ Suman Kumar was apprehended. Upon inquiry, it transpired that he had appeared in court in place of a wanted



accused, namely Pappu Mandal @ Suresh Mandal. The CCTV footage of the court premises was perused. It disclosed that on 11.07.2023 at around 14:21 hours, a person entered the area reserved for the accused inside the courtroom. The photograph of Suman Kumar @ Amod Shah was shown to the District Prosecution Officer, who confirmed that this person had appeared in court in connection with Jamui P.S. Case No. 81 of 2020 in place of the accused Pappu Mandal @ Suresh Mandal. Upon further questioning, Suman Kumar @ Amod Shah stated that in some old case, the details of which he could not disclose, the petitioner Sakaldeo Kumar Mandal had asked him to appear before the court, and that he had accordingly gone to the courtroom. The District Prosecution Officer and the Assistant District Prosecution Officer separately confirmed that no bail application had been filed on behalf of Suman Kumar @ Amod Shah in the matter. Upon the basis of the foregoing, the police suspected that a forgery had been committed, and registered the present case.

4. Learned counsel for the petitioner submits that there is no direct or independent material against the petitioner except the alleged statement of the co-accused, which itself does not disclose any specific case details or overt act attributed to the petitioner. Admittedly, no bail application was filed by the



petitioner on behalf of the alleged impersonator. The prosecution case is therefore based on nothing more than suspicion and conjecture, without any legally admissible evidence connecting the petitioner to the alleged occurrence. Continuation of the criminal proceeding against the petitioner, it is submitted, would amount to an abuse of the process of the Court.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for quashing of the F.I.R. in connection with Jamui P.S. Case No. 443 of 2023.

6. The records of this case have been carefully perused. The prosecution case against the petitioner rests entirely and exclusively upon the statement made by the co-accused Suman Kumar @ Amod Shah during police inquiry. That statement, made to a police officer, is inadmissible in evidence under the law. It cannot constitute substantive evidence against the petitioner. Beyond this statement, the records would show that there is not a shred of independent material connecting the petitioner to the offences alleged. No forged document bears his hand. No CCTV footage places him at the scene. No financial transaction, no call record, no corroborating circumstance of any kind is cited in the FIR against him. The FIR itself records that no bail application was filed by the petitioner on behalf of Suman Kumar @ Amod



Shah. This admitted fact directly contradicts the very basis on which the petitioner has been implicated.

7. The offences charged include Sections 467 and 468 of the Indian Penal Code, which are serious charges going to the integrity of court proceedings. This Court is alive to that gravity. It is precisely because these are serious charges that the absence of any admissible, independent material against the petitioner becomes all the more significant. It must be recorded, and recorded clearly, that even if the entirety of the prosecution case is accepted at face value, as this Court is required to do in the exercise of its quashing jurisdiction, there is no legally cognizable material before the Court that would connect the petitioner to these offences. The prosecution case against the petitioner is built wholly upon an inadmissible statement. That is not a foundation; it is conjecture. Proceeding on conjecture alone, in a case where the petitioner is a member of the legal profession, would render the process of this Court itself an instrument of oppression.

8. In such view of the matter, this Court, in exercise of its inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (erstwhile Section 482 CrPC), to do complete justice, finds that the continuation of the criminal proceeding arising out of Jamui P.S. Case No. 443 of 2023 against the



petitioner would amount to an abuse of the process of the Court.

Accordingly, the F.I.R. arising therefrom and the proceedings pending before the concerned Court, Jamui are hereby quashed so far as the petitioner is concerned.

9. The present petition stands allowed.

(Ansul, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.06.2026
Transmission Date	

