

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1210 of 2014

- =====
1. Malti Devi Wife of Nandu Thakur.
 2. Nandu Thakur Son of Late Bhikhar Thakur.
Both Resident of Village Raksa, P.S. Karja, District Muzaffarpur.
 3. Dilip Kumar Son of Sri Ram Nandan Prasad Ex-Panchayat Technical
Assistant Marwan Gram Panchayat, P.S. Karja, District Muzaffarpur,
Permanent Resident of Village Badhauna, Police Station Chanoli,
District Nalanda.
 4. Anant Kumar Son of Indardeo Prasad, Ex-Panchayat Rojgar Sevak
Raksa Gram Panchayat, P.S. Karja, District Muzaffarpur, Permanent
Resident of Village Katarpur, Police Station Katri Sarai, District
Nalanda.
 5. Shiv Shankar Prasad Sah Son of Late Devi Lal Sah, Junior Engineer
Marwan Block, P.S. Karja, District Muzaffarpur, Permanent Resident
of Village Chiraiya, Police Station Chiraiya, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vigilance Department through I.G. Vigilance at Old Secretariat Police
Station Secretariat, District Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 31-07-2015 Heard learned counsel for the petitioners and
learned counsel for the Vigilance Department.

The relief sought for in the present application
is for quashing of Vigilance P.S. Case No. 3 of 2013 (Special

Case No. 3 of 2013) dated 16.01.2013, which is pending in the Court of the Special Judge Vigilance, North Bihar, Muzaffarpur.

Learned counsel for the petitioners submits that based on the same allegation Karja P.S. Case No. 22 of 2011 dated 22.02.2011 has been lodged by the Block Development Officer, Marwan.

Learned counsel for the petitioners submits that without going into the merits of the case, on the plain reading of the First Information Report, it is clear that the allegations levelled against the petitioners in both the cases are same, though in the Vigilance case there are many other accused besides the petitioners.

Learned counsel submits that in view of the law settled by the Hon'ble Supreme Court in the case of **Amitbhai Anilchandra Shah vs. Central Bureau of Investigation** reported in **2013(2) PLJR (SC) 373** that a second First Information Report in respect of an offence or different offences committed in the course of the same transaction is not only impermissible but also violates Article 21 of the Constitution of India and whatever allegations either based on the original complaint or ancillary thereof have to be investigated as part of the same First Information Report.

Learned counsel for the Vigilance does not

dispute the aforesaid position.

Accordingly, Vigilance P.S. Case No. 3 of 2013 (Special Case No. 3 of 2013) dated 16.01.2013, as far as it relates to the petitioners, is quashed.

The application stands disposed off.

(Ahsanuddin Amanullah, J.)

Anand Kr.

U		T	
---	--	---	--