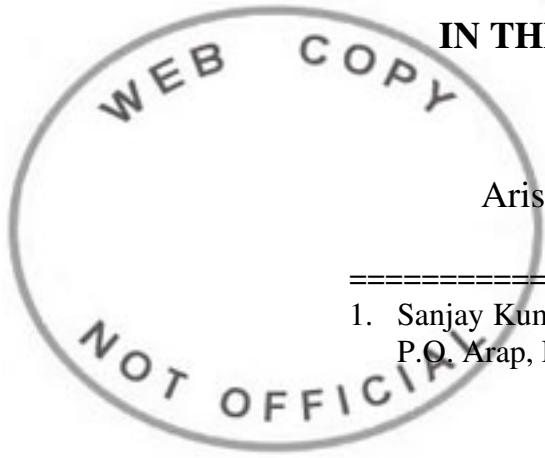




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.618 of 2016

Arising Out of Arwal PS.Case No. 20 of 2016 Thana Arwal,
District- JEHANABAD

=====

1. Sanjay Kumar Son of Hari Naraya Gupta Resident of village - Chhotki Baliyari,
P.Q. Arap, P.S. Bikram, District – Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Vigilance Bureau of Investigation, 6 Circular
Road, Patna
2. Sachindra Jha, S.I. - Cum - Enquiry Officer, Camp, Arwal, Vigilance
Investigation Bureau, Bihar, Patna
3. The State of Bihar through Superintendent of Police, Arwal
4. The officer In - Charge, Arwal P.S., District - Arwal

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate

For the Respondent State : Mr. Binay Kr. Pandey, AC to GA 2

For the Vigilance : Mr. Rakesh Kumar Sharma

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 17-09-2016

With the help of this writ petition, made under Article 226
of the Constitution of India, the petitioner, who is accused in Arwal
P.S. Case No. 20 of 2016, which has been registered under Sections
420/467/468/471 of the Indian Penal Code, has sought for issuance of
appropriate writ setting aside and quashing the First Information
Report, which led to the registration of the case aforementioned.

Heard Mr. Amish Kumar, learned Counsel for the
petitioner, and Mr. Binay Kumar Pandey, learned AC to GA 2,



appearing for the State respondents. Heard also Mr. Rakesh Kumar Sharma, learned Counsel for the Vigilance.

It has, however, been submitted, now, on behalf of the petitioner, that the petitioner will not seek quashing of the First Information Report if the Investigating Agency is directed to take into account Annexures 9 and 10 to the supplementary affidavit, which have been filed by the petitioner in support of his defence.

In the present case, the Investigating Officer is not to rely upon only the documents, which may have been furnished by the informant or by the authorities concerned, but also upon such materials as may be furnished by the accused-petitioner.

A direction, therefore, can be issued by this Court, in exercise of its extraordinary jurisdiction, under Article 226 of the Constitution of India, to the Investigating Agency to take into account, while investigating the case, the documents furnished, or which may be furnished, by the accused-petitioner.

Situated thus, it is hereby, in the interest of justice, directed that in order to determine the guilt or otherwise of the accused-petitioner, the Investigating Agency shall take into account Annexures-9 and 10 to the supplementary affidavit filed by the petitioner and also such other documents or materials, which the petitioner may place reliance upon.

With the above observations and directions, this writ
petition shall stand disposed of.

(I. A. Ansari, CJ)

A.I./-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	21.09.2016
Transmission Date	21.09.2016