

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13708 of 2017

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Manibhushan Pratap Sengar, son of Jitendra Kumar Singh resident of Mohalla
- Premji Colony Kharaunia Bagicha, P.S. Bypass, District - Patna.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, New Delhi.
2. The Central Bureau of Investigation through Director, New Delhi.
3. The State of Bihar through Chief Secretary, Patna.
4. The Principal Secretary, Home Department, Patna.
5. The Principal Secretary, Social Welfare Department, Patna.
6. The Principal Secretary, Department of Registry and Excise, Patna.
7. The Principal Secretary, Cooperative Department, Patna.
8. The Principal Secretary, Land Reform and Revenue Department, Patna.
9. The Registrar Cooperative, Patna.
10. The Divisional Commissioner, Bhagalpur Division.
11. The Divisional Commissioner, Koshi Division.
12. The Divisional Commissioner, Purnia Division.
13. The Divisional Commissioner, Munger Division.
14. The Divisional Commissioner, Saran Division.
15. The Divisional Commissioner, Muzaffarpur Division.
16. The Divisional Commissioner, Gaya Division.
17. The Divisional Commissioner, Patna Division.
18. The District Magistrate cum Collector, Bhagalpur.
19. The District Magistrate cum Collector, Saharsa.
20. The District Magistrate cum Collector, Araria.
21. The Promotor Srijan NGO, and others.

... .. Respondent/s

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Appearance :

For the Petitioner/s :

For Union of India : Mr. S.D. Sanjay, Addl. S.G.



Mr. Ram Anurag Singh, C.G.C.
For the State : Mr. Lalit Kishore, Advocate General
Mr. Bishwa Bibhuti Kumar Singh, Advocate
For the C.B.I. : Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-04-2018

With the regard to the issue in question, this Court has already issued orders based on the statement made by the counsel appearing for the State in C.W.J.C. No. 12745 of 2017 (Diwakar Yadav Vs. The State of Bihar & Ors.) and the order passed on 13.09.2017 reads as under:-

“Petitioner, claiming to be a public spirited person and a lawyer, has filed this petition in public interest and the three reliefs claimed read as under:

(i) For issuance of an appropriate writ/order/direction to the respondents to recommend the investigation of withdrawal of huge amount for misappropriating of public fund with intention to cheat public exchequer to any independent agency such as CBI as through registered Co-operative Society known as Srijan



Mahila Vikas Sahyog Samiti in collusion of the Managing Committee of the Society and hire authorities and higher personalities having high approach and the said withdrawal is present known as 'SRIJAN SCAME'

(ii) For issuance of appropriate writ/order/direction that the investigation by authorities of the State of Bihar Government will not reach to the real culprits of the such scam as involvement of the higher authorities and others having high approach in the Government is not impossible.

(iii) For issuance of appropriate writ/order/direction to keep the investigation under the monitoring of Hon'ble Division Bench of this Hon'ble High Court, and submission of report per month with respect to the development of investigation, so that the real culprit may not be allowed to leave free on the basis of his/her higher approach and by way of influencing the investigating agency in any manner.

Learned Advocate General appearing for the State Government informs us and it is a fact that the State Government has already ordered an



enquiry by the Central Bureau of Investigation, an independent Agency, and the first relief claimed for by the petitioner, thus, stands complied. As far as relief Nos. 2 and 3 are concerned, they are consequential and would depend on the outcome of the investigation already undertaken by the C.B.I. and, therefore, at this stage, we are not inclined to go into the said questions and at this stage no monitoring of the investigation is required.

Even though learned counsel appearing for the petitioner places heavy reliance on the order of this Court in the case of State of Bihar vs. Bahadur Singh, 1996(2) P.L.J.R. S.C. 218, to press relief Nos. 2 and 3, in this Public Interest Litigation, considering the fact that the investigation is already in progress, we are not inclined to interfere into the matter. That apart, as far as monitoring the investigation by the C.B.I. by this Court is concerned, no material or prima facie case is established to show that the investigation is not progressing properly or there is any illegality or irregularity in the investigation warranting monitoring by this Court. Accordingly, we see no reason to make any indulgence.

The application is disposed.”

In view of the above, now no further direction in the matter is called for. The issue stands covered in the light of the undertaken and the statement made by the State Government, which is available in the record of C.W.J.C. No.



12745 of 2017.

Accordingly, no further directions, as prayed for,
are called for. The writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.04.2018
Transmission Date	

