

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7573 of 2018

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Basant Kumar Choudhary, S/o Late Hemant Kumar Choudhary, Resident of 5 D/6,
North Sri Krishnapuri, Opposite A.N. College, Boring Road, Behind Rajesh Patrol
Pump. P.S.-Sri Krishnapuri, Distt.-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Home Commissioner-Cum-the Principal Secretary, Department of Home,
Govt. of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
5. The Principal Secretary, Cum Register, Co-operative Department , Govt. of
Bihar, Patna.
6. The District Magistrate, Bhagalpur.
7. The Director General Bureau of Investigation, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Choudhary (In Person)
For the Respondent/s : Mr. Lalit Kishore, Advocate General
For the CBI : Mr. Bipin Kumar Sinha, SC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2018

Petitioner, a learned senior member of the Bar and is a practicing Advocate of this Court, has filed this writ petition in public interest and is concerned with regard to investigation into a scam popularly known as Bhagalpur Srijan Scam, wherein it is alleged that hundreds of crores of public money has been misappropriated and misused by officials. Seeking a court-monitored investigation by the Central Bureau of Investigation (CBI, in short) into the aforesaid scam



and further seeking a mandamus to the effect that the CBI should also investigate the role of higher-ups including all the District Magistrates of Bhagalpur, Co-operative Registrars and politicians connected with the issue in question the petitioner has expressed his concern and prays for a court-monitored investigation into the matter.

Having heard the petitioner who appears in person and the learned Advocate General we find that making somewhat similar prayer earlier also a Public Interest Litigation was filed by an Advocate practicing before this Court being CWJC No. 13708 of 2017 (Manibhushan Pratap Sengar vs. The Union of India & Ors.) and on 16.04.2018 when the issue came before this Court we found that in another writ petition being CWJC No. 12745 of 2017 (Diwakar Yadav vs. The State of Bihar & Ors.) similar prayers were made and the said writ petition was disposed of by a Bench of this Court on 13.09.2017. In the case of Diwakar Yadav (supra) the following orders were passed by this Court on 13.09.2017:-

“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 higher authorities and higher personalities having high approach and the said withdrawal is presently known as “SRIJAN SCAM”.

(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 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 CBI 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) PLJR SC 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 CBI 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.”

Based on the aforesaid, CWJC No. 13708 of 2017 was also disposed of. Now, the petitioner wants that the investigation should be monitored by this Court and further direction to the CBI to investigate the role of the officials and politicians involved in the matter. At this stage when the CBI is already seized of the matter and investigation is in progress we see no reason to accede to any such request at this point of time when there is nothing available on the record to indicate that the investigation being carried out by the CBI warrants monitoring or issuance of any further direction. The CBI being already seized of the matter is expected to conduct its proceeding in accordance with law and at this stage we are not inclined to issue any such direction or order as prayed for. We have already considered the issue as indicated hereinabove in the case of Diwakar Yadav as also in the case of Manibhushan Pratap Sengar (supra) and we see no reason now to issue any further direction. In fact, prayer in clause (iii) in the case of Diwakar Yadav was the same prayer as is being requested for now in this petition.



Keeping in view the aforesaid, we dispose of the matter as further order is not necessary for the same with regard to the issue in question.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
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