

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.584 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- VIGILANCE District- Patna

Devendra Prasad Singh @ Devendra Singh, Son of Late Surendra Prasad Singh, Resident of Village - Kannauli Dhanraj, P.S.- Mahua, Distt - Vaishali, At present - Vishnu Enclave, Flat No. 104, Salimpur Ahra, Gali No. - 1, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Vigilance Department, Government of Bihar. Patna
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Vigilance Department, Patna.
4. The Deputy General of Police, Vigilance Department, Vigilance Investigation Bureau, Patna
5. The Superintendent of Police, Vigilance Investigation Bureau, 6, Circular Road, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Singh, Advocate

Mr. Anil Kumar, Advocate

For the Respondent-State: Mr. Suman Kumar Jha, AC to AAG-3

For the Respondent-Vigilance: Mr. Anjani Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 10-04-2019

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the Vigilance.

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for quashing the Vigilance P.S. Case No. 57 of 2018 corresponding to Special Case No. 60 of 2018 registered under Section 13(2) read with



13(1)(e) of the Prevention of Corruption Act pending before the learned Special Judge, Vigilance-I, Patna.

3. It is submitted by the learned counsel for the petitioner that the allegations made in the first information report are not true. The petitioner was not given any opportunity to explain that acquisition of property is not disproportionate to his known sources of income. Merely on the vague information and hypothetical presumption, a case in respect of acquisition of property disproportionate to his known sources of income has been registered against him.

4. *Per contra*, learned counsel appearing for the State and learned counsel for the Vigilance submitted that the petitioner retired as a Peskar in the District Registration Office, Patna. A complaint against him was received in the office of Lokayukta regarding disproportionate assets accumulated by him in the capacity of a public servant. Pursuant to the direction of Hon'ble Lokayukta, an inquiry was conducted. In course of preliminary inquiry, it came to notice that while being in service the petitioner had acquired properties in his own name and in the name of his relatives, which are disproportionate to his known sources of income. He contended that the allegations made in the first information report do constitute a cognizable offence. In that view



of the matter, there is no illegality in the institution of the first information report against the petitioner.

5. Having heard the parties and perused the first information report, as contained in Annexure-1 to this petition, I find that the allegations do constitute a cognizable offence. There is no provision in law, which mandates for issuance of a show cause notice to an accused for explaining his conduct prior to the institution of the first information report.

6. In that view of the matter, no illegality can be found with the action of the police in institution of the first information report.

7. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan-

AFR/NAFR	NAFR
CAV DATE	NA
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