

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.399 of 2018

Arising Out of PS. Case No.-30 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Rahul Raj S/o Akhilesh Kumar Singh, R/o Vill.- Mohjama, P.S.- Paroo,
District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Amrit Ram , Executive Engineer, Building Division, Muzaffarpur.
3. The Estimate Officer, Building Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur
For the Respondent/s : Mr.Sri Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 15-02-2019

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

This criminal revision application has been filed for
setting aside the order dated 01.11.2017 passed by Special
Judge, Vigilance, North Bihar, Muzaffarpur in complaint case
No. 30 of 2017 by which the court below has rejected the
complaint petition for want of sanction. Petitioner has filed a
complaint case in the court of Special Judge, Vigilance North
Bihar, Muzaffarpur alleging therein that a tender notice was
published by the respondents on 03.02.2017 and 04.02.2017 in
which petitioner was willing to participate but same was



cancelled and again on 22.02.2017 and 27.02.2017 tender was published for which petitioner had also submitted his tender and petitioner was called by opposite party on 22.05.2017 where he was told that if he is willing to take work he will have to pay 10% of the tender amount and on refusal by the petitioner he was abused and ousted from the office and work was allotted to the persons of their choice. With such allegation complaint petition was filed giving rise to complaint case No. 30 of 2017.

After enquiry, the court below rejected the complaint petition filed by the petitioner on the ground that sanction has not been obtained against the accused persons who are government servants and act complained is in due discharge of their official duties. The Special court by its order dated 01.11.2017 has dismissed the complaint case filed by petitioner for reasons that complaint case was filed without obtaining sanction order against the proposed accused persons who come under the definition of public servants and in absence of sanction order by competent authority criminal proceedings cannot be initiated against them and there is bar to take cognizance of offence without sanction order, as such the complaint case was dismissed.

This Court does not find any illegality, irregularity or



error in the order passed by the Special Court, Vigilance, as such

I am not inclined to interfere in order as impugned and

accordingly this criminal revision petition is dismissed.

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

