

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.297 of 2018

Arising Out of PS. Case No.-55 Year-2015 Thana- VIGILANCE District- Patna

-
1. Shiv Shankar Prasad, S/o Late Dwarika Prasad, R/o Vill.- Gullibhatta Sahibganj, P.S.- Sahibganj, District- Sahibganj (Jharkhand).
 2. Rajiv Kumar S/o Sri Lalan Prasad, R/o Village- Phulwarisharif, near Block Office, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Director General, Vigilance Investigation Bureau, Bihar Patna.
4. The Inspector General, Vigilance Investigation Bureau, Bihar, Patna.
5. The Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.
6. The Deputy Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.
7. The Superintendent of Police, Nalanda.
8. The Deputy Superintendent of Police, Rajgir, Nalanda.
9. The Sub Divisional Officer, Rajgir.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kishore, Advocate
For the Respondent/s	:	Md. N.H. Khan, SC-1
for the Vigilance	:	Mr. Ajay Mishra, AC to L.O. Vigilance

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 03-01-2019

Defect No.14(2), as pointed out by the registry is ignored.

2. Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Vigilance.

3. The petitioners have prayed for issuance of direction to the respondent authorities to initiate high level inquiry in the manner the investigation is being conducted in connection with



Vigilance P.S. Case No.55 of 2015 corresponding to Special Case No.35 of 2015.

4. The petitioners have been made accused in Vigilance P.S. Case No.55 of 2015 registered under Sections 409, 420, 467, 468, 471, 120B of the Indian Penal Code as well as section 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

5. Their grievance is that the investigation of the case is not being conducted in a fair and impartial manner.

6. Learned counsel for the petitioners submitted that the petitioners are not satisfied with the manner in which the investigation is being conducted. They are of the view that there are materials before the authorities of the vigilance to prosecute the District Magistrate, Nalanda and the Sub-divisional Officer, Rajgir, but the investigating agency is deliberately trying to protect them.

7. On the other hand, learned counsel for the Vigilance submitted that the investigation of the case is being conducted in a fair and impartial manner and there is no truth in the submission made by the petitioners that the investigation is not being conducted in proper manner.

8. It is well settled position in law that to hold investigation into a cognizable offence is the statutory duty of the



police. At this stage, the Court has not role to play. Neither the accused nor the informant has any right to dictate the terms of the investigation. Once the investigation is completed and the report is placed before the court concerned, it is for the court to pass appropriate orders in accordance with law. If the court would not be satisfied with the investigation of the case, it has the jurisdiction under Section 173(8) of the Code of Criminal Procedure to direct the police to hold further investigation and submit further police report.

9. However, at the stage of investigation no relief, as prayed for by the petitioner in the instant case, can be granted. Merely because the petitioner has been made accused and according to him some other person also ought to have been made accused cannot be a ground for drawing any presumption against the action of the police during investigation.

10. In that view of the matter, I see no merit in this writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.01.2019
Transmission Date	07.01.2019

