

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1564 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- VIGILANCE District- Patna

DR. RAM KISHORE SINGH Son of Late Jokhi Singh Resident of Village Lodipur, P.S. Mehandiya, District Arwal at present Kamal Kunj, Kailashpati Mishra Path, R.K. Pool, P.O.- Danapur Cant, PIN Code- 801503 P.S. Danapur, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH VIGILANCE, BIHAR, PATNA Bihar
2. Superintendent of Police, Vigilance, Bihar, Patna.
3. Surendra Kumar Saroj, Deputy Superintendent of Police, Vigilance (Bhagalpur Range), Bihar, Patna.
4. Parmeshwar Rai Son of Late Lal Babu Rai Resident of Village and P.O. Chandmari Danapur, P.S. Shahpur, District- Patna.
5. Pramod Paswan Son of Ram Bahadur Paswan Resident of Village Gaurigama, P.O. and P.S. Runni Saidpur, District- Sitamarhi.
6. Gopal Paswan, the then Dy.S.P., Vigilance, Patna.
7. Atul Dutta, Dy. S.P. Vigilance, Patna Bihar
8. Bihar Public Service Commission, through Secretary, Bailey Road, Patna. Bihar
9. The State of Bihar through Home Department Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr.Md.Imteyaz Ahmad Arya Achint
For the Vigilance		Mr. Anjani Kumar, Sr. Advocate
For the BPSC		Mr. Sanjay Pandey
For the State	:	Mr.Sheo Shankar Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

21-11-2019

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

2. The present writ petition has been filed “for setting aside the first information report of Vigilance P.S.Case No. 37 of 2019 dated 13.09.2019 instituted under Sections 7,8, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, 7(a) and &(A) of the Amended Prevention of Corruption Act,



2018 as well as Section 120B of the Indian Penal Code.”

3. Mr. Ajay Kumar Thakur, learned counsel for the petitioner submits that on a plain reading of the FIR, no offence as alleged is made out against the petitioner. On the strength of certain recorded conversations, in the first instance, concerning a vigilance spy, Parmeshwar Rai and the petitioner, and in the second instance between a vigilance verifier Atanu Dutta and Parmeshwar Rai, it is submitted that in none of the conversations, the petitioner is shown to have made any demand for bribe, nor was a candidate who may have offered bribe for his own benefit or for the benefit of others. As such, it is submitted that the accusation under the Prevention of Corruption Act is not made out against the petitioner, and in any event any statement made by Parmeshwar Rai could not be made the basis for making allegation against the petitioner.

4. Mr. Anjani Kumar, learned Senior Counsel appearing on behalf of the Vigilance, vehemently opposes the petition at the outset, submitting that extreme caution has to be exercised in the matter of quashing of the FIR. It is submitted that the allegations contained in the FIR have to be read/looked broadly and materials would be collected in course of investigation to support the allegations made. As such, the FIR by itself cannot be read as an encyclopedia of the allegations made.

5. It is further submitted on behalf of the Vigilance that the petitioner is a member of the Interview Board for selection of various candidates for public post all over the State of Bihar in his capacity as member of the Bihar Public Service Commission. Reference has been invited to the written report in the FIR wherein, *inter alia*, the vigilance identifier has held out that he was interested in the post of Dy. S.P. and for which



his interview was fixed on 17.05.2018. In that backdrop, the petitioner has offered an insight into what preparation should be made for the interview. It has been stated in categorical terms that Parmeshwar Rai looked after all matters on his behalf, who, in turn, has asked for Rs. 24 lakhs. It is therefore submitted that the petitioner has authorized Parmeshwar Rai to act as his agent and who has then demanded Rs. 24 lakhs as bribe from the vigilance spy in presence of the petitioner.

6. It is further pointed out that the veracity of the report of the vigilance spy was once again verified by appointing Atanu Dutta, who then proceeded along with vigilance spy and met Parmeshwar Rai. The conversations among these three persons support the context in which the bribe of Rs. 24 lakhs for the petitioner and Rs. one lakh for Parmeshwar Rai was being demanded.

7. On forensic examination, the voice recordings of all the concerned persons have been found genuine and specifically the petitioner's voice has been identified.

8. Having heard the parties and on consideration of materials on record, this Court is of the view that there is *prima facie* case which requires to be investigated against the petitioner.

9. It appears premature to quash the FIR at its nascent stage even before investigation is made for corroborating the accusation made therein. The voice recording which has since been verified as genuine *prima facie* discloses that Parmeshwar Rai is said to be the agent of the petitioner and an amount of Rs. 24 lakhs has been demanded as bribe for purposes of securing higher marks in an interview at the hands of the petitioner who is member of the Bihar Public Service



Commission.

10. This Court is therefore not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26. 11.2019
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