

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1429 of 2017

Arising Out of PS. Case No.-12 Year-2014 Thana- PAROO District- Muzaffarpur

Dilip Kumar Singh, son of Jawahar Singh, resident of village – Dillora, P.O. Wazidpur, P.S. - Paroo, District – Muzaffarpur.

... .. **Petitioner**

Versus

1. The State of Bihar, Through The Director General Of Police, Bihar, Patna.
2. The Sale Tax Commissioner cum Principal Secretary, Government of Bihar, Patna.
3. The Joint Commissioner, Commercial Tax, Central Investigation Bureau, Bihar, Patna.
4. The Deputy Commissioner, Commercial Tax, West Circle, Muzaffarpur, District – Muzaffarpur.
5. The Commercial Tax Officer, West Circle, Muzaffarpur.
6. The Senior Superintendent of Police, Muzaffarpur, District – Muzaffarpur.
7. The Officer-in-Charge, Paroo Police Station, District – Muzaffarpur.

8. The Director General, Economic Offences Unit, Bailey Road, Bihar, Patna.
9. The Superintendent of Police, Economic Offences Unit, Bailey Road, Patna.
10. The Deputy Superintendent of Police – cum – Investigator, EOU Bailey Road, Patna.
11. The Station House Officer, Economic Offence Police Station, Bailey Road, Patna.

... .. **Respondents**

with

Criminal Writ Jurisdiction Case No. 1425 of 2017

Arising Out of PS. Case No.-33 Year-2014 Thana- MUZAFFARPUR SADAR District- Muzaffarpur

Sohan Lal Patel Son of Chandradeo Patel, Resident of Village- Batrouliya, P.S.- Paroo, District- Muzaffarpur.
At present residing at Mohalla- Alakapuri, Bhagwanpur, P.S.- Muzaffarpur Sadar, District- Muzaffarpur.

... .. **Petitioner**

Versus



1. The State of Bihar through The Director General of Police, Bihar, Patna
2. The Sale Tax Commissioner cum Principal Secretary, Government of Bihar, Patna.
3. The Joint Commissioner, Commercial Tax, Central Investigation Bureau, Bihar, Patna.
4. The Deputy Commissioner, Commercial Tax, West Circle, Muzaffarpur, District- Muzaffarpur.
5. The Commercial Tax Officer, West Circle, Muzaffarpur.
6. The Senior Superintendent of Police, Muzaffarpur, District- Muzaffarpur.
7. The Officer-in-Charge, Muzaffarpur Sadar Police Station, District- Muzaffarpur.
8. The Director General, Economic Offences Unit, Bailey Road, Bihar, Patna.
9. The Superintendent of Police, Economic Offences Unit, Bailey Road, Patna.
10. The Deputy Superintendent of Police cum Investigator, EOU, Bailey Road, Patna.
11. The Station House Officer, Economic Offence Police Station, Bailey Road, Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Ganesh Prasad Singh, Advocate
For the EOU	:	Mr.V.N.P. Sinha, Sr. Advocate
		Ms. Soni Srivastava, Advocate
For the State	:	Mr. Manish Dhari Singh, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 31-01-2020 In both the writ applications the petitioners are looking for transfer of the investigation of the cases lodged by them separately with Paroo and Muzaffarpur Sadar P.S. In Cr.W.J.C. NO. 1429/2017, the petitioner has lodged Paroo P.S. Case No. 12 of 2014 which has been registered on 16.01.2014 under Sections 467, 468, 419, 420, 120(B) of the Indian Penal Code. In Cr.W.J.C. No. 1425/2017 the petitioner has lodged Muzaffarpur Sadar P.S. Case No. 33 of



2014 registered on 19.01.2014 under Sections 467, 468, 471, 419, 420, 120(B) of the Indian Penal Code.

It is their common contention that keeping in view the kind of allegations which are under investigation in their respective cases, these cases be transferred to the Economic Offence Police Station where an another case of similar nature being Economic Offence Unit P.S. Case No. 01/2015 has been registered on 15.01.2015 under Sections 420, 467, 468, 471, 409, 120(B) of the Indian Penal Code and Sections 80(1)(c), 81(2), 81(4) of Bihar VAT Act, 2005.

Learned counsel for the petitioners submits that it is a case of cyber crime and the crime has been committed by using fake e-mail ID, user ID and Password which were created Online and thereafter multiple SUVIDHA – 9 have been generated for transporting Coal from State of Jharkhand to Bihar by different traders of the Jharkhand and it was also discovered that the aforesaid forgery occurred not only with the petitioners but also with several other persons.

After some argument, learned counsel for the petitioners in both the cases submit that at this stage he



would be satisfied if the case lodged by him are duly investigated and the police final form is submitted in the court of learned Jurisdictional Magistrate within a period of 90 days from today positively.

Having heard learned counsel for the petitioners, learned Senior Counsel for the Economic Offence Unit and learned counsel for the State, in the nature of the material present on the records and the submissions, finding that the cases lodged by these petitioners are that of the year 2014 and almost six years have gone thereafter this Court directs the Senior Superintendent of Police, Muzaffarpur (respondent no. 6) to take necessary steps to conclude the investigation within a period of 90 days from the date of receipt/production of a copy of this order and file the police final report in the court of learned Jurisdictional Magistrate thereafter without further delay.

The respondent no. 6 must remember that the free and fair investigation as also speedy justice are the constitutional rights of the petitioners and must be alive to those rights of the petitioners. In case, the petitioners feel



aggrieved by investigation on the part of the Investigating Officer, it will be open for the petitioners to approach the Jurisdictional Magistrate in accordance with law.

Both these Writ Applications are disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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