

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1890 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Harihar Prasad Son of Sukhu Chand Prasad, Resident of Tej Pratap Nagar
East, P.O.- Anisabad, P.S.- Beur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary, Bihar, Patna.
3. The Home Secretary, The Home Department, Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Vigilance Department, Bihar, Patna.
6. The Superintendent of Police, Economic Offence Unit, Bihar, Patna.
7. The Superintendent of Police-cum-Officer-In-Charge, Economic Offence
Unit Police Station, Bihar, Pa
8. Surendra Prasad, Son of Loki Singh, Resident of Village- Parari, P.O. and
P.S.- Chandi, District- Nalanda, Presently resident of Mohalla- Jaganpura,
Sai Vihar Colony, Road No. 1C near open Mind School, P.S.- Ram Krishna
Nagar, District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Manager Shah, Advocate
For the State	:	Mr.Sanjay Kumar, AC to SC-8
For the EOU	:	Mr. V.N.P. Sinha, Senior Advocate
		Ms. Soni Srivastava, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and Mr.

Vishwanath Prasad Sinha, learned Senior Counsel assisted by Ms.

Soni Srivastava, learned counsel for the Economic Offence Unit,

Bihar as well as Mr. Arvind Kumar, learned counsel for the Vigilance

Investigation Bureau.

Petitioner in the present case is seeking a direction

commanding the respondents to conduct an investigation against

respondent no. 8. The petitioner claims that against respondent no. 8,



he has filed complaints to various authorities as contained in Annexures '1', '2', '3' and '4' of the writ application.

The petitioner claims that he had also sent reminder to these authorities in which he has pointed out that respondent no. 8 has amassed huge properties movable as well as immovable. He has superannuated from the post of Superintending Engineer in the year 2013 while posted at Irrigation Circle, Muzaffarpur and two years thereafter, he has constructed a five storied house. In paragraph '10' of the writ application, it is stated that the petitioner met the Superintendent of Police, Officer In-charge of Economic Offence Unit but they refused saying that petitioner is relative of respondent no. 8 and is facing a charge of bribe. For this reason, the petitioner is making allegations that the investigating officer is also in connivance with respondent no. 8.

Today, Mr. Manager Shah, learned counsel has filed Vakalatnama. Learned counsel has reiterated the stand of the petitioner and submitted that the respondent authorities were required to conduct an enquiry into the matter on the basis of the complaints made by the petitioner but they have not done so and, therefore, the petitioner has approached this Court.

Learned Senior Counsel for the Economic Offence Unit submits that this writ application seems to have been filed to wreck personal vengeance by the petitioner. He has filed this application in the nature of a public interest litigation and a bare perusal of the



complaint lodged by him would show that he has got some personal enmity with the respondent no. 8 and for that reason only he is sending complaints almost five years after the retirement of respondent no. 8.

Learned counsel for the Vigilance Investigation Bureau has also opposed this application as according to him, such practice of filing of writ application directly before this Court to wreck personal vengeance must be discouraged.

Having heard learned counsel for the petitioner, learned Senior Counsel for the EOU and learned counsel for the Vigilance Investigation Bureau as also on perusal of the records, this Court is of the considered opinion that the extraordinary writ jurisdiction of this Court cannot be allowed to be invoked for wrecking personal vengeance. In this case, the private respondent no. 8 has retired from service in the year 2013 and this petitioner claims that because respondent no. 8 had constructed a five storied house two years after his retirement, therefore, an enquiry be instituted against him. Such allegations are only bald allegations and cannot be gone into by this Court.

This Court does not find any reason to issue a writ in this matter. This writ application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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