

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.997 of 2016

Arising Out of PS. Case No.-51 Year-2011 Thana- C.B.I CASE District- Patna

Sudhanshu Kumar Chaubey Son of Late Sitaram Chaubey, resident of Flat
No. 202, Bhawani Palace, Anandpuri, P.S. S.K Puri, Patna, Bihar.

... .. Petitioner

Versus

1. The State Of Bihar through the Department Of Law, Government Of Bihar, Patna
2. The Secretary, Department of Law, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Joint Secretary, General Administration Department, Government of Bihar, Patna.
5. The Inspector General of Police, Vigilance Investigation Bureau, Bihar, Patna.
6. The Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate Mr. Madhurendra Sharma, Advocate Mr. Virendra Kumar Roy, Advocate Mr. Amresh, Advocate, Mr. Aditya Narayan Singh I, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
CAV JUDGMENT

Date : 12-07-2022

The present writ application has been preferred challenging the sanction order as contained in Memo No. 139 dated 20.07.2016 (Annexure '6') issued by the Secretary to the Government, Department of Law, Bihar who is the competent authority for grant of sanction in the present case.

2. The petitioner is an accused in Vigilance P.S. Case No. 51 of 2011 registered under Sections 409, 420, 467, 468, 471,



477A,120B of the Indian Penal Code and Section 13(2) read with Section 13(i)(d) of the Prevention of Corruption Act 1988 (hereinafter referred to as the 'P.C.Act').

3. The petitioner has challenged the impugned order (Annexure '6') on two grounds which this Court will deal with after briefly stating the allegations as contained in First Information Report and the subsequent developments in course of investigation.

4. Petitioner who was posted as Secretary, Bihar State Housing Board, Patna (hereinafter referred to as the 'Board') at the time of filing the writ application was earlier in the year 2007-2008 posted as the Block Development Officer -cum- Circle Officer, Gaighat, Muzaffarpur. It is stated that during the said period vast areas of the said Block was facing devastating flood, there were huge damage to the crops of the farmers. To compensate the farmers against their loss, the State Government decided to compensate it.

5. In order to maintain the transparency into the exercise of distribution of reliefs measures and compensation, the Government of Bihar vide its letter No. 1388 dated 24.07.2004 constituted a committee called Anushravan-cum-Vigilance Committee at the district, block as well as panchayat level. The



in cash on receipt of his signature in presence of Mukhiya/Panchayat Sewak/Revenue Karamchari.

7. It is the case of the petitioner that he being the Block Development Officer, in view of the large scale nature of the relief work and looking into the vast number of people affected by the flood during the relevant time himself issued specific directions vide letter no. 1444 dated 12.11.2007 to all the concerned officers in charge of the relief operation at the Panchayat level including the Circle officers to ensure that the distribution of the compensation as well as other relief material are made in a fair and transparent manner. He has enclosed his letter as Annexure '2' to the writ application.

8. It is stated that at a much later stage on the basis of a written report of the Deputy Superintendent of Police, Vigilance Investigation Bureau the present vigilance case has been lodged against the petitioner and others containing allegation of embezzlement of government money during the reliefs operation carried out in the Gaighat Block of Muzaffarpur District. The investigation of the case was continued till 2016. It is stated that during this period four Investigating Officers changed their hands and this happened despite that the General Administration Department of the Government of Bihar was monitoring the



