

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16896 of 2017

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Ravindra Kumar Son of Madan Kishor Singh R/o Village P.O.- Sinha Ward
No. 18, P.S. Motihari , Distt. Begusarai.

... .. Petitioner

Versus

1. The State of Bihar, through Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna
3. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
4. The Principal Secretary, Vigilance Investigation Bureau Bihar Patna.
5. The Director General, Vigilance Investigation Bureau, Bihar, Patna.
6. Begusarai Municipal Corporation through its Municipal Commissioner,
Begusarai.
7. Municipal Commissioner, Municipal Corporation, Begusarai.
8. District Magistrate, Begusarai.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Dinu Kumar, Advocate Mr. Vardaan Mangazam, Advocate Mr. Ritika Rani, Advocate
For the Respondent-State:		Mr. Bishwa Bibhuti Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 04-08-2022

In the present application, the petitioner has made
the following prayers:-

“a. For commanding the Principal Secretary
Vigilance Investigation Bureau to enquire into
the mater after lodging FIR about
misappropriation, misuse and defalcation of
public money more than Crores in purchasing
Sub standard Street light and High Mask Light
for the period 2013-2016 for Begusarai



Municipal Corporation Begusarai against the persons concerned.

b. Also for direction to the state respondents to recover the loss of the public money from the person concerned who are involve in purchasing sub standard street light and high mask light during the period of 2013-2016 for Begusarai Municipal Corporation Begusarai has not compensate the loss of public money after initiating proceeding under Bihar and Orrisa Public Recovery Act 2014.

c. Also for commanding of the respondents to ensure providing LED street light and High Mask Light and under Begusarai Municipal Corporation against for public purposed considering money make LED but LED street light and High Mask Light when out of orer after installation of two or three mouths.

d. Also for necessary relief order, direction for which the petitioner is entitled in the eyes of law.”

2. Mr. Dinu Kumar, learned counsel for the petitioner submitted that the petitioner has no direct or indirect concern with the respondents. He is a social activist. Since there is a huge defalcation in purchase of LED Light and High Mask Light in the Municipal Corporation, Begusarai, the present application has been filed by him in the public interest. He contended that purchases were made on exorbitant price without inviting tender from the prospective bidders by the then Chairman of the Municipal Corporation, Begusarai in connivance with the Municipal Commissioner. They committed



the misappropriation of public funds, which would require not only a high level inquiry, but institution of FIR and prosecution of the erring officials and others concerned.

3. Respondents have filed counter affidavit and supplementary counter affidavits. In the last counter affidavit filed on behalf of the respondent no.3, it has been stated that steps have already been taken to lodge First Information Report (for short 'FIR') against the erring authorities. It is further stated that Begusarai Town P.S. Case No.62 of 2019 and Begusarai Town P.S. Case No.189 of 2019 have been registered *inter alia* under Sections 406 and 409 of the Indian Penal Code against the then Chairman, Sri Sanjay Kumar and the then Municipal Commissioner, Sri Mohan Prakash Madhukar of Municipal Corporation, Begusarai for the illegalities committed by them in the purchases of LED Bulb, LED Street Light and High Mast Light.

4. Mr. Bishwa Bibhuti Kumar Singh, learned counsel for respondent-State submitted that those criminal cases are under investigation and the Municipal Commissioner as well as the then Chairman of Municipal Corporation have been granted pre-arrest bail by this Court. He contended that defalcated amount to the tune of Rs.3,48,180/- has already been



recovered from Rajkumar Agrawal, the proprietor of M/S Laxmi Constructions and Electrical Works, Siwan.

5. We have heard learned counsel for the parties and perused the materials on record.

6. In view of the supplementary counter affidavit filed on behalf of respondent no.3, it would be evident that the issue of misappropriation of public fund raised by the petitioner has already been taken cognizance of by the State of Bihar and two FIRs have already been instituted against the then Municipal Commissioner and the then Chairman of the Municipal Corporation, Begusarai. Those criminal cases are under investigation.

7. To hold investigation into a criminal case is the exclusive domain of the Police. At this stage, the Court has no role to play. In case, involvement of any other person would transpire during investigation, the Police may submit report under Section 173 (2) of the Code of Criminal Procedure against them also after the completion of investigation. Once the investigation would be complete and the report under Section 173(2) of the Code of Criminal Procedure would be filed before the Jurisdictional Magistrate, the role of the court would start.

8. At this stage, since the respondents have already



taken action against the erring Chairman and the Municipal Commissioner and the Police are investigating the criminal cases instituted against them, this Court would refrain from making any further comment.

9. It is expected that the investigating agency would complete the investigation as early as possible, preferably within three months from today. Once the investigation is completed and the accused persons are sent up for trial, the State would take all effective steps to produce its witnesses before the Court expeditiously and the Court would make endeavour to complete the trial without undue delay.

10. With the aforesaid observations and directions, the writ petition is disposed of.

(Ashwani Kumar Singh, J)

(Shailendra Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2022
Transmission Date	NA

