

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1226 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Muzaffarpur

Nawnit Kumar S/O Arun Choudhary R/o village- Bachhwara, P.S.-
Bachhwara, Distt.- Begusarai, Internal Auditor, Uttar Bihar Gramin Bank,
Hazipur, Head Office- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Muzaffarpur Range, Muzaffarpur
4. The Deputy Inspector General of Police, Muzaffarpur Range, Muzaffarpur
5. The Senior Superintendent of Police, Muzaffarpur
6. The Managing Director Central Bank of India, Chandermukhi, Narayan
Point, Mumbai, 400021
7. The Assistant General Manager, Regional Office Nabard, Maurya Lok,
Complex, Patna
8. The Chairman, Uttar Bihar Gramin Bank, Head Office- Kalambag Chowk,
Muzaffarpur
9. The General Manager, Uttar Bihar Gramin Bank, Head Office- Kalambag
Chowk, Muzaffarpur
10. The Branch Manager, Uttar Bihar Gramin Bank, Branch, Bariyarpur Kandh,
Muzaffarpur

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Dr. Kamal Deo Sharma, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC-8
For Resp Nos. 8 to 10	:	Mr. Ajay Kumar Sinha, Senior Advocate
		Mr. Ajit Kumar Sinha, Advocate
		Ms. Dikash Khan, Advocate
		Mr. Prabhakar Jha, Advocate
		Mr. Sidharth Harsh, Adv. for Central Bank of India
		Mr. Satyanand Sharma, Advocate
		Mr. Siddharth Prasad, Advocate for NABARD

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner, Mr. Ajay
Kumar Sinha, learned Senior Counsel for the Uttar Bihar
Gramin Bank, assisted by Mr. Prabhakar Jha, learned Advocate



for the Bank, Mr. Siddharth Prasad for NABARD, Mr. Sidharth Harsh for Central Bank of India and Mr. Sheo Shankar Prasad, learned SC-8 for the State.

2. This writ application has been filed seeking the following directions:-

“(i) For commanding and directing the respondents to conduct prompt and fair investigation in concern of series of irregularities in the various branches of Uttar Bihar Gramin Bank on conclusion of audit submitted report by the petitioner.

(ii) For commanding and directing the respondent to conduct investigation by Special Investigation Team looking the nature of case i.e. embezzlement of more than Rs. 100 Crore of loss of the bank by the bank employees/authorities.

(iii) For commanding and directing the respondents to conduct the case by Economic Office Directorate and Specialist team of Cyber Expert and also to take proper legal action against guilty persons/authorities who are found liable in the instant case.

(iv) For commanding/directing to protect the life and liberty of the petitioner and his family members.

(v) For any other relief(s) for which petitioner is found entitled in the eye of law.”

3. Petitioner in the present case has alleged that he has



pointed out in his audit report of the bank that several irregularities causing huge financial loss have taken place in conducting the affairs of the bank. It is alleged that when the petitioner communicated about the alleged irregularities to the higher authorities of the bank such as Chairman of the Uttar Bihar Gramin Bank and Regional Manager of the said bank, they did not pay heed to it. It is alleged that instead of taking into consideration the alleged irregularities, the bank officials have falsely implicated the petitioner alleging misappropriation of the bank amount during his posting at Bariyarpur Kandh Branch, Sakra, Muzaffarpur.

4. After hearing learned counsel for the petitioner, on 28.09.2022, this Court directed the Senior Superintendent of Police, Muzaffarpur (Respondent No. 5) to file a counter affidavit. Since this Court was given to understand that the I.O. of the case is not investigating the matter against the bank officials who are in the rank of Chairman, Managing Director and the Assistant General Manager, Regional Office, NABARD, this Court also directed the S.S.P., Muzaffarpur to personally supervise the case in question.

5. Today, this Court has been informed by Mr. Sheo Shankar Prasad, learned SC-8 that investigation of this case was



already complete on the date the matter was taken up by this Court. In fact, a final form dated 30.08.2022 was filed in the learned court below on 29.09.2022. The case was not found true against the Chairman, M.D., and other senior bank officials. Learned SC-8 has, however, informed that at this stage, the S.S.P. has himself supervised the case and having noticed certain materials at his end, he has directed filing of an application in the learned court below seeking further investigation of the case. The said application seeking further investigation has already been allowed and thereafter, the S.S.P. has constituted a SIT.

6. Mr. Ajay Kumar Sinha, learned Senior Counsel leading the arguments on behalf of the bank submits that in fact, the petitioner is an accused in Sakra P.S. Case No. 477 of 2020 for the offence alleged under Sections 409,420,467,468, 120B,34 IPC. In this case, the allegation against the petitioner is that of misappropriation of bank's money. After investigation, the case has been found true against the petitioner and a charge-sheet has already been framed against him. It is further submitted that in fact by filing this writ application, the petitioner is only taking up adversarial litigation. Learned Senior Counsel has brought to the notice of this Court that for identical



reliefs, petitioner has filed a public interest litigation being C.W.J.C. No. 13992 of 2022 which is already pending consideration before the Hon'ble Division Bench.

7. Learned counsel for the petitioner, when enquired about the filing of PIL for the identical reliefs, learned counsel submits that he has no information about filing of PIL by the petitioner.

8. Having heard learned counsel for the petitioner, learned Senior Counsel for the bank and learned counsel representing the State as also upon taking into consideration the entire facts and circumstances of the case, this Court is of the considered opinion that this writ application has already lived its utility. The grievance of the petitioner was that the I.O. of the case is not investigating the case whereas the fact was that the I.O. had already investigated the case and a final form was prepared on 30.08.2022 which has been filed in the learned court below on 29.09.2022. The SSP, Muzaffarpur has taken up further investigation of the case and an S.I.T. has already been constituted. The petitioner is also seeking his remedy in a public interest litigation before the Hon'ble Division Bench.

9. In the entirety of the circumstances, this Court finds no reason to proceed with the writ application. It is expected



that the S.S.P., Muzaffarpur shall ensure proper and fair investigation of the case and shall submit a report in accordance with law within a reasonable time.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

