

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.419 of 2022

Arising Out of PS. Case No.-4 Year-2018 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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AKHILESH KUMAR SINGH Son of Late Jagdish Prasad Singh Resident of
Village - Khangaon, P.S.- Pandaul, District- Madhubani ... Petitioner
Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY DEPTT.
OF HOME (POLICE), GOVT. OF BIHAR, PATNA
2. Th Principal Secretary, Department of Home (Police), Government of Bihar,
Patna
3. The Director General of Police, Bihar, Economics offence Unit, Bihar Patna
4. The Additional Director General of Police, Bihar, Economics offence Unit,
Bihar Patna
5. Investigating officer of Special Case No. 9 of 2018 arising out of Economic
offence P.S. Case No. 4 of 2018,
6. Manoj Kumar Singh Son of Sri Badri Narayan Singh Resident of Village -
Khangaon, P.S.- Pandaul, District- Madhubani
7. Anjali Devi Wife of Manoj Kumar Singh Resident of Village - Khangaon,
P.S.- Pandaul, District- Madhubani ... Respondents

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Appearance :

For the Petitioner	:	Mr.Ravi Ranjan, Adv.
For the State	:	Mrs. Divya Verma, AC to AAG III
For the EOU	:	Mr. V.N.P. Sinha, Sr. Adv. with Mrs. Soni Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 08-05-2023 Counsel for the petitioner is directed to remove the defect(s)
within two weeks.

It transpires from the order, dated 24.04.2023, that one week's time was granted to the counsel for the petitioner for filing rejoinder. The said rejoinder has not been filed. Whereas this case was requested to be listed at the top of the list, as such, this case is listed at the top of the list.

This Court, in this circumstance, is inclined to hear the



petition on merit on the basis of the documents on record.

Heard counsel for the petitioner, the State and Mr. V.N.P. Sinha, learned Senior Counsel, assisted by Mrs. Soni Srivastava, counsel for the Economic Offences Unit.

Counsel for the petitioner has filed the present application for further investigation of Special Case No. 9 of 2018 arising out of Economic Offence P.S. Case No. 4 of 2018.

Counsel submits that it is the petitioner who has filed an application before the Lok Ayukta. On the application filed before the Lok Ayukta this first information report has been lodged by the Economic Offences Unit. Counsel submits that after filing of the first information report investigation has completed and final report has been submitted. He submits that the petitioner is influential person, therefore, no case is made out and, hence, he needs further investigation in the matter.

Mr. V.N.P. Sinha, learned Senior Counsel, assisted by Mrs. Soni Srivastava, counsel for the Economic Offences Unit, submits that the submissions of the counsel for the petitioner is correct up to the extent that on his initiation learned Lok Ayukta has passed order, first information report has been lodged and investigation was conducted under the supervision of the two officials upon the instructions of the Lok Ayukta.

Counsel submits that in the first information report the allegation of disproportionate property is there and case has been



lodged under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act. Counsel submits that investigation has been completed and in the investigation three per cent and odd disproportionate asset has been calculated. Counsel submits that less than ten percent does not come within the purview of offence, only higher than the ten per cent comes within that purview and in this view of the matter, this final form has been submitted in this case. Counsel further submits that from the order under challenge it transpires that the petitioner has filed the protest-cum-complaint before the Vigilance Court and Vigilance Court has accepted the protest and converted the protest into a complaint.

Petitioner is neither the informant nor the accused in this case.

Upon considering both the parties and going through the records, this Court is of the opinion that protest of the petitioner has already been entertained as a complaint, then, there is no question of interference by the Court to initiate further proceeding under Section 173(8) of the Criminal Procedure Code, 1973, and, therefore, this writ petition is **dismissed**.

(Dr. Anshuman, J)

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