

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1318 of 2020

In
Civil Writ Jurisdiction Case No.21796 of 2018

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Chandrika Singh Son of Late Madho Singh Resident of Village- Bhaur, P.S.-
Khaira, District- Jamui.

... .. Petitioner.

Versus

1. The State of Bihar through Sri Deepak Kumar, son of not known to the petitioner, Chief Secretary, Government of Bihar, Patna.
2. Shri Gupteshwar Pandey son of not known to the petitioner, The Director General of Police, Bihar, Patna.
3. Shri Pravin Basishtha, son of not known to the petitioner, Inspector General of Police (Economic Offence Unit) Bihar, Patna.
4. Shri Arun Kumar Singh son of not known to the petitioner, Additional Chief Secretary, Vigilance Department, Govt. of Bihar, Patna.
5. Shri Sunil Kumar Jha son of not known to the petitioner, The Director General, Vigilance Investigation Bureau, Patna.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Dinu Kumar, Advocate.
For the State	:	Mr. P.K. Shahi, Advocate General. Mr. P.K. Verma, AAG-3. Mr. Saroj Kumar Sharma, AC to AAG-3.
For the E.O.U.	:	Mr. V.N.P. Sinha, Senior Advocate. Ms. Soni Shrivastava, Advocate.
For the Vigilance	:	Ms. Archana Palkar Khopde, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 07-11-2023 Today, personal affidavit of the D.G.P. Bihar, Patna, is
filed. Paragraphs-4 and 5 read as under:

“4. That with regard to action taken between
7.2.2020 and 27.9.2023, it is submitted that
the efforts made by Economic Offences Unit,



Bihar, are on record which would show that action was initiated by Economic Offences Unit, Bihar subsequent to representation received from the petitioner. With regard to correspondences made, it is submitted that the District Magistrate and Superintendent of Police, Jamui, were asked by the Economic Offences Unit, Bihar to do the needful on the representation filed by the petitioner vide (a) Letter No.1457 dated 19 March 2020 and followed by (b) Letter No.5234 dated 16 June 2022 as the petitioner and the private respondent Shri Sanjay Kumar are residents of Jamui District.

5. That in terms of procedure laid down in RBI's master circular RBI/DBS/2016-17/28 dt: 01-07-2016, the Superintendent of Police, Jamui and the District Magistrate, Jamui were required to refer the complaint to CVO of the Punjab National Bank for further necessary action. Further, if after due inquiry by the bank, a fraud was disclosed the bank concerned was required to file a complaint with police in this regard. However, the aforementioned representation remained pending with the office of District Magistrate and Superintendent of Police, Jamui. With regard to action taken against police officials, it is submitted that departmental proceeding has been initiated



against Sub Inspector Rakesh Kumar of Jamui District for delay in processing the representation. Further, it is submitted that the Economic Offences Unit vide their letter no:208 dated 3.11.2023 has asked the District Magistrate, Jamui to take necessary action against the erring officials for delay.”

2. Except two communications dated 19.03.2020 and 16.06.2022, there is total inaction on the part of the Police Department or concerned officers. It is reliably learnt that certain disciplinary action has been initiated pursuant to our earlier orders to the effect that there were certain inaction on the part of the officers who were bounden duty to comply the orders of this Court and dealing with the petitioner’s grievance. Petitioner’s complaint which is stated to have been filed in the year 2017 has not been entertained for about three years, which has compelled the petitioner to approach this Court in filing writ petition. Despite directions of this Court, respondents have not taken any action for more than three years. Thereafter, contempt petition (M.J.C. No.1318 of 2020) was also filed. Even during the pendency of the present contempt petition, respondents have not complied the directions/orders of this Court passed in C.W.J.C.. Pursuant to our previous



observations made from time to time passed in the present M.J.C., they have complied in the year 2023. This is the attitude of the police officials and who are Government Servants and who are bound by various laws including entertaining the complaint from a public person and redress the grievance of a complainant.

3. The Hon'ble Apex Court time and again issued guidelines to all the State, Police Authorities. Despite that Police Authorities in the State of Bihar are not adhering to the guidelines issued by the Apex Court. This may be taken note by the Highest Authority in the Police Department, namely, D.G.P. Bihar, Patna and issue appropriate directions to follow or adhere to the guidelines issued from time to time by the Apex Court.

4. With the aforesaid observations, the present M.J.C./Contempt Petition stands dropped.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

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