

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1150 of 2022

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

1. Sanjay Kumar, S/o late Chandramouli Prasad Singh, R/O H.P. Agarwal, Mission Compound, P.S.- Mahadeva O.P., Distt.- Siwan, Bihar- 841227
2. Kundan Kumar @ Kundan Kumar Singh Son Of Rajeshwari Prasad R/O L.I.G.- 450, Mansarovar Colony, Madhawnagar Camp, Katni, M.P.- 483501
3. Rekha Rani Wife of Mohan Kumar R/O Gangotri Electric House, Gandhi Path, P.S.- Saharsa, Bihar- 852201
4. Indu Kumari Sinha Wife Of Saket Bihari R/O Printing Press, Main Road, Mahendru, Sampatchak, Patna- 800006
5. Manoj Kumar Son Of Baidyanath Modi R/O Mustaklal Lane, Sikandarpur, Musaiadpur, Bhagalpur, Mirjanhat, Bihar- 812005
6. Bachchan Devi Wife Of Suresh Prasad Sharma R/O B- 11 Ashray Apartment, Ara Garden, Jagdeopath, Bailey Road, Rukanpura, P.O.- B.V. College, Patna- 800014
7. Chanda Rani Gaur Wife Of Rajan Kumar R/O Raghunath Tola, Near Sichai Bhawan, Phulwari, Patna- 800002
8. Usha Singh Wife Of Ashok Kumar Singh R/O 108/32, Sundari Sadan, J.N. Road, Kadamkuan, Phulwari, Patna- 800003
9. Mukesh Kumar Son Of Shree Ram Singh R/O Village Mande Bigha, Sikaria, Jehanabad, Bihar- 804454
10. Subodh Ranjan Son Of Baban Singh R/O Darwa Ward 03, P.O.- Mohania, Kaimur (BHABUA), Bihar- 821109
11. Sujeet Kumar Son Of Ram Bishun Sao R/O Village- Kujawan, P.S.- Bihta, Distt.- Patna, Bihar- 801103
12. Hari Kishor Sah Son Of Nageshwar Sah R/O Village- Mangalpur, Kalyanpur, East Champaran, Bihar- 845413
13. Nilu Sinha Wife Of Yadunandan Prasad R/O 2m/23, Resham Niwas, Mahatma Gandhi Nagar, B.H. Colony, Sampatchak, Patna- 800026
14. Monika Rani Wife Of Sangeet Kumar R/O Balbhadarapur, Darbhanga, Bihar- 846001
15. Sanjeev Kumar Son Of Sunial Kumar Lala R/O Balbhadarapur, Near Ramasharay Roy Public School, Darbhanga, Bihar- 846001
16. Priyanka Kumari Daughter Of Suresh Prasad Sharma R/O B-11 Ashray Apartment, Ara Garden, Jagdeopath Bailey Road, Rukanpura, P.O.- B.V. College, Patna- 800014
17. Suresh Prasad Sharma Son Of Late Rajendra Prasad Sharma R/O B-11 Ashray Apartment, Ara Garden, Jagdeopath, Bailey Road, Rukanpur, P.O.- B.V. College, Patna- 800014
18. Rekha Devi Wife Of Sanjeva Kumar R/O Madanpur, Dhurgaon, Ekangersarai, Distt.- Nalanda, Bihar- 801301
19. Rajiv Ranjan Triyar Son Of Shri Krishna Kumar Triyar R/O Flat No. 4a,



- Roop Raj Enclave, Road No. 1, Shivpuri, Rajbanshi Nagar, Patna- 800023
20. Ajay Kumar Pandey Son Of Shri Bharat Pandey R/O Vir Kunwar Singh Colony, Near M.V.N. School, Distt.- Buxar, Bihar- 802101
 21. Sanjay Kumar Varma Son Of Sita Ram Prasad R/O West Siwalik Apartment, Road No. 03, Annapurna House, P.O. And P.S.- Patliputra, Patna- 800013
 22. Arvind Nath Son Of Amar Nath R/O Danapur Cantt., 12 Grand Square, Dinapur Cum Khagaul, Panta- 801503
 23. Manoj Kumar Son Of Sri Kamal Kishor Prasad R/O Kishor Bhawan, Damariya, P.O.- Anisabad, P.S.- Gardanibagh, Distt.- Patna 800002
 24. Aman Kumar Son Of Late Akhouri Suresh Prasad R/O Anandpuri, Near Mother Mary School Brahmpura, M.I.T. Mushahari, Distt.- Muzaffarpur, Bihar- 842003
 25. Sanjeev Kumar Son Of Late Pramod Kumar R/O C/O Ratnesh Kumar Sinha, Nandani Bhawan, Ground Floor, Dariyapur Gola, Near Dr. A.K. Lal, Bankipore, Patna- 800004
 26. Kiran Singh Wife Of Arun Kumar Singh R/O Near Health Centre Dharampur Jadu, Chhapra, Distt.- Muzaffarpur, Bihar- 843108
 27. Baby Ritika Wife Of Vikash Chandra R/O 301, Sundram Residency Sahdev Path, West Patel Nagar, Shashtrinagar, Patna- 800023
 28. Shyamli Akhouri Wife Of Akhouri Ome Prakash R/O Ashok Nagar, Road No. 11, Kankarbagh, Sampatchak, Patna- 800020
 29. Nitesh Kumar Son Of Harendra Pandey R/O Village- Piarpurwa, Distt.- Saran, Bihar- 841419
 30. Manoj Kumar Son Of Chandra Sekhar Mishra R/O Flat No. 404/A, Swawlambi Residency, Daudbigha, Patna- 800026
 31. Jyotsana Wife Of Shashi Kant R/O Road No. 3, Adarsh Vihar, Ramkrishna Nagar, Behind Indane Gas Godown, Sampatchak, New Jaganpura, Patna- 800027
 32. Sabita Kumari Wife Of Dr. Sanjay Kumar Sinha R/O Flat No. 304, Laxmi Niwas, Khagaul Road, Beside Canara Bank, Mithapur, Patna- 800001
 33. Rekha Kumari Wife Of Pawan Kumar R/O Adarsh Vihar Colony, Raja Bazar Bihia, Distt.- Bhojpur, Bihar- 802152
 34. Manju Dayal Wife Of Late Muneshwar Dayal R/O C/O Ashok Kumar Sinha, Shanti Bhawan, Chakbinda, P.S.- Gardanibagh, Patna- 800002
 35. Menoo Wife Of Sanjay Kumar R/O Mohalla- Mahavir Nagar, Karma Road, Near Electricity Office, Distt.- Aurangabad, Bihar- 824101
 36. Anand Kumar Mishra Son Of Sri Bhubneshwar Mishra R/O Mohalla- 3 No. Chadhai Nehru Road, Chirkunda, Distt.- Dhanbad, Jharkhand- 828202
 37. Anil Kumar Mishra Son Of Late Braham Dev Mishra R/O P.O.- Madhavpur, P.S.- Prabatta, Madhopur, Distt.- Khagaria, Bihar- 851215
 38. Smita Sharan Wife Of Rajesh Kumar Sinha R/O 102, S.B. Residency, Shiv Mandir Gali, C/O Madan Mohan Sharan, Sheikhpura, P.O.- B.V. College, Patna- 800014
 39. Shakti Khare Wife Of Sunil Sinha R/O Ward No. 26, Nayatola, Speaker



Road, Distt.- Muzaffarpur, Bihar- 842001

40. Nikita Khare Wife Of Sundareshan Nagraj R/O Mohalla Sumati Path, Ranighat, Mahendru, Patna- 800006
41. Ranjana Ranjan Wife Of Ravi Ranjan R/O 302 Vidyapati Apartment, Vijay Nagar, Gali No. 1, Rukanpura, Patna- 800014
42. Pramod Kumar Son Of Jata Shankar Jha R/O C/O Lakhan Kumar Sahay, Trimurty Nagar, Mithila Colony, Danapur, Patna- 800018
43. Rajneesh Ranjan Son Of Shree Kant Prasad R/O Quarter No. Cf 46, N.I.T. Campus, P.O.- R.I.T, Adityapur, Seraikela, Kharsawan, Jharkhand- 831014
44. Kanhaya Prasad Sinha Son Of Jagdish Prasad Shriwastva R/O East Gopalpur, Raja Bazar, Motihari, East Champaran, Bihar- 845401
45. Kumar Satyajeet Son Of Rajendra Prasad Sinha R/O Khanpural Near Post Office Khanpur, Sultanganj, Bhagalpur, Bihar- 813213
46. Mukund Singh Munda Wife Of M. Krishna Kumar R/O House No. 205, Road No. 4, Nehru Nagar, Near Forest Office, Patliputra Colony, Patna- 800013
47. Akhilesh Kumar Maury Son Of Shubh Narayan Prasad R/O Jadopur Harsiddhi, Purba Champaran, Bihar- 845422
48. Saket Kumar Singh Son Of Mahendra Prasad Singh R/O Pahari Chak, Sonapur, Saran, Bihar- 841101
49. Ramjanam Vipra Son Of Madan Mohan Malaviya R/O P.O.- Mocharim Thana, Bodhgaya, Distt.- Gaya, Bihar- 824231

... .. Petitioners

Versus

1. The Union Of India Through The Assistant Director, Directorate Of Enforcement, Govt., Of India 1st Floor Chandpura Palace, Bank Road West Gandhi Maidan, Patna Bihar
2. The State Of Bihar Through Its Secretary, Ministry Of Urban Development, Govt. Of Bihar Vikas Bhawan, Bailey Road Patna, Bihar
3. Director General Of Police, Bihar, Patna Bihar
4. Chief Judicial Magistrate, Patna Bihar
5. Real Estate Regulatory Authority, Bihar, Patna Bihar
6. Real Estate Appellate Tribunal (reat) Through Its Registrar, Patna Bihar
7. ADG, Economic Offence Unit, Patna Bihar
8. Agrani Group Of Companies Through Its Director Alok Kumar Singh Bihar
9. Alok Kumar Singh R/O Yogipur, Chitragupta Nagar, P.S.- Patrakar Nagar, P.O.- Lohianagar, Kankarbagh, Patna- 800020
10. Indian Overseas Bank through its Chairman, Chennai Central Office 6th Floor , Annex Building 763, Anna Salai, Chennai-600002
11. Indian Overseas Bank through its Branch Manager Kankarbagh Branch Patna -800020 Bihar
12. Indian Overseas Bank through its Branch Manager Anishabad Branch Patna- 800001 Bihar



... .. Respondents

with
Criminal Writ Jurisdiction Case No. 79 of 2023

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

1. Vandana Singh Wife Of Sanjay Kumar Singh R/O Vill.- Shivpur Ramahi Tola, P.S.- Bikramganj, Distt.- Rohtas
2. Anil Kumar Chaudhary Son Of Yogendra Chaudhary R/O Vill. And P.O.- Sonbarsha, Chamardehri, Rohtas, Bihar- 802212
3. Ravikant Das Son Of Parasnath Das R/O Flat No. 105, Block B Jascon Residency Triloki Nagar, Nalapar, Agamkuan, Patna- 800007
4. Bharat Lal Singh Son Of Rameshwar Singh R/O Vill.- Fakarpur, P.O.- Fakarpur, Arwarl, Bihar- 804001
5. Bimla Devi Wife Of Sri Niwash Singh R/O Kathar, P.S.- Krishna Braham, Distt.- Buxar, Bihar- 802111
6. Rajendra Prasad Shukla Son Of Late Kedar Nalth Shukla R/O Vill. And P.O.- Sonpura, Distt.- Bhojpur, Distt.- 802206
7. Avinash Kumar Srivastava Son Of Satyendra Srivastava R/O Vill.- Sherau, Charpokhari, Distt.- Bhojpur
8. Raj Kumar Son Of Tarkeshwar Prasad R/O Qr. No.- D-2/02, Brts, Barauni Refinery Township, Begusarai, Bihar- 851117
9. Neelam Pathak Wife Of Dinbandhu Pathak R/O Ev005, Bijinapura Campus, Iisc Qtr., Rmv, 2nd Stage New, B.E.L. Road, Bengaluru, North Bengaluru, Karnataka- 560093
10. Subhawati Devi Wife Of Binod Kumar Singh R/O Rampur Vaina, Rampura Vaina, Arwal, Bihar- 804004
11. Kanchan Kumari @ Kanchan Chaudhary Wife Of Shiv Kumar Chaudhary R/O Vill.- Bahadurpur, P.O.- Rupas, Distt.- Patna- 803211
12. Om Prakash Singh Son Of Bhrigunath Singh R/O Vill. And Post- Pokhra, Siwan, Bihar- 841238
13. Chanchal Sinha Wife Of Hemant Kumar Sinha R/O Mohalla- Abcil, Rehla, E-110, Bikramnagar, Rehla Kalan, Palamu, Jharkhand- 822124
14. Manoj Kumar Singh Son Of Madan Mohan Singh R/O Qtr. No.- D-1/182, Barauni Refinery, Barauni Refinery Township, Nagda, Begusarai, Bihar- 851117
15. Vinay Kumar Son Of Krishnadeo Narayan R/O Qtr. No.- E-1/61, Barauni Refinery, Barauni Refinery Township, Nagda, Begusarai, Bihar- 851117
16. Satyendra Kumar Yadav Son Of Swami Nath Yadav R/O Qtr. No.- 1/164, Barauni Refinery, Barauni Refinery Township, Begusarai, Bihar- 851117
17. Deepmala D/O Satyendra Narayan R/O Vill.- Sahbajpur, Sarai, Meskor, Sarai, Nawada, Bihar
18. Ram Pravesh Paswan Son Of Late Gauri Paswan R/O Qtr. No.- Cf/127, Barauni Refinery, Barauni Refinery Township, Nagda, Begusarai, Bihar-



851117

19. Md. Gayasul Haque Son Of Abdul Gafur R/O Head Mosque, Ward No. 4, Amari, Begusarai, Amaridih, Bihar- 848202
20. Ramashankar Singh Son Of Late Rampukar Singh R/O Vill.- Farna, P.O.- Lohar, P.S.- Barhara, Farna, Bhojpur, Bihar- 802315
21. Pooja Rajesh Singh @ Puja Singh Wife Of Rajesh Kumar Singh R/O 780-B, Panchwati Railway Colony, Nandgaon, Rural, Nasik, Manmad, Maharashtra- 423104
22. Rajendra Prasad Singh Son Of Ram Pukar Singh R/O Vill.- Chandpura, Bhagwanpur, Saran
23. Shashi Keshari Wife Of Chitranjan R/O At Sineraj Theatre, 302, Ginni Classic, Plot 5/7, New Panvel, Maharashtra- 410206
24. Shailesh Kumar Son Of Jagdish Narayan Singh R/O Mehdashapur, Cheriya Bariarpur, Begusarai, Bihar- 851132
25. Jai Prakash Upadhyay Son Of Ramjeevan Upadhyay R/O Vill. And P.O.- Babhangama, Distt.- Bhojpur, Bihar
26. Dhananjay Kumar Son Of Rajesh Kumar Singh R/O Haldi Chapra, Naya Tola, Maner, Distt.- Patna, Bihar- 801108
27. Reena Kumari Wife Of Rajkumar Bharti R/O Vill.- A/1, Kaushalya Niwas, Jaya Prakash Nagar, Near Dutta Vihar Apartment, Rajeev Nagar, Ashiana Nagar, Patna- 800025
28. Priti Keshari Wife Of Vijay Kumar R/O Near Bari Masjid, Kurmi Tola, Jagdishpur, Bhojpur, Bihar
29. Nagendra Kumar Son Of Sri Ram Swaroop Singh R/O Qtr. No. D/22, Bseb Colony, Rajvanshi Nagar, Patna- 800023
30. Archana Jha Wife Of Ranjeet Kumar Jha R/O Indra Smiti Enclave, South Chitragupt Nagar, Behind Geeta Prasad High School, Kankarbagh, Sampatchak, Patna- 800020
31. Suchita Jha Wife Of Mani Shankar Jha R/O Flat No. 405, 4th Floor, Vaishnavi Umagiri Apartment, Mainpura, Lct Ghat, Buddha Colony, Patna- 800001
32. Deepak Kumar Son Of Prahlad Prasad R/O Lig-4/129, Hanuman Nagar, Kankarbaghm, Patna- 800020
33. Amit Kumar Keshari Son Of Ashok Keshari R/O Cloth Merchant Ship Bazar, P.O.- Jhajha, Distt.- Jamui, Bihar- 811308
34. Saiyad Anwar Hussain Kazmi Son Of Saiyad Sabbar Hussain Kazmi R/O B/51, Anishabad, Alinagar Colony, P.S.- Phulwari, Patna- 800002
35. Amarendra Kumar Gaurav Son Of Late Saryu Prasad Yadav R/O 127, C/O Madan Mohan Jha, Mla Colony, Kautilya Nagar, Veterinary, Patna
36. Ramu Kumar Mishra Son Of Late H.P. Mishra R/O Qtr. No.- 42, Barauni Refinery, Barauni Refinery Township, Nagda, Begusarai, Bihar- 851117
37. Awadhesh Kumar Mishra Son Of Bindeshwar Mishra R/O 235, Purwapali, New Baly Gungi, Haltu, Kolkata, West Bengal- 700078
38. Indu Devi Wife Of Vinay Singh R/O Quarter No. 4, Bmp 5 Campus, P.S.-



Rukanpura, Distt.- Patna, Bihar- 800014

39. Tarkeshwar Dhar Dwivedi Son Of Chandrabhushan Dhar Dwivedi R/O Flat No. A 301 Shiv Shankar Apartment, Near Shiv Mandir, Bajranjpuri, P.O. And P.S.- Sampathchak, Patna- 800007
40. Amit Kumar Sinha Son Of Anjani Kumar Sinha R/O Q. No. D 1/90, Refinery Township, Begusarai, Bihar- 851117
41. Sanjay Kumar Son Of Gurudin Prasad R/O Qr. No. 3, Road No. 3, Vivek Nagar, P.O.- Govindpur, Jamshedpur, Jharkahnad- 831015
42. Neha Daughter Of Amrendra Kumar R/O House No. K 125, Street- 10, Sou Jaitpur, Badarpur, South Delhi- 110044
43. Chandra Prabha Wife Of Rajeev Ranjan R/O, C/O- Manju Niwas, Road No. 24 P, Rajiv Nagar, P.O.- Keshri Nagar, Patna- 800024
44. Ravi Kumar Son Of Harish Chandra Singh R/O Srirampur, Patna, Bihar- 801103
45. Saket Ranjan Son Of Devendra Kumar Mishra R/O Raghopur, Patna, Bihar- 801103
46. Nilam Roy Son Of Baidya Nath Roy R/O E/736, A Block East Layout Sonari, East Singhbhum Jharkhand- 831011
47. Pooja Shabnam Wife Of Pankaj Kumar R/O House No. A 312, A.G. Colony, Ashiana Nagar, Patna- 800025
48. Rupam Kumari Wife Of Vikram Kumar R/ House No. 6 Vastu Vihar Colony Panchseel Nagar, Opposite Bazar Samiti, Digha, Near Crpf Camp, Patna- 800012
49. Babita Srivastav Wife Of Sanjay Kumar R/O C/O Sanjay Kumar Pandey, B-45, C.D.A. Colony, Near Novel Elementary School, Shashtrinagar, Patna- 800023
50. Rashim Jha Wife Of Santosh Kumar Jha R/O Ward No. 12, Bajalpura, Teghra, Begusarai, Bihar- 851133
51. Archana Singh Wife Of Shashi Bhusan Singh Etawa Pipra Road, New Professor Colony, Ward No. 16, Near Maranchi Bhawan, Begusarai, Bihar- 851101
52. Anju Wife Of Chandan Kumar Bhardwaj R/O Ward No. 24, Near Old Shiv Mandir, Bihat Jagir Tola, Begusarai, Bihar- 851135
53. Sita Devi Wife Of Ramesh Sharma R/O Qr No. D1f/25, Barauni Refinery Township, Dumri Begusarai, Bihar- 851117
54. Reena Rai Thakur Wife Of Durgesh Thakur R/O Vill. And Post- Gaura, P.S.- Bihiya, Distt.- Bhojpur, Bihar- 802166
55. Usha Dwivedi Wife Of Kamlesh Dwivedi R/O Vill.- Dasiaon, Post Kesath, P.S.- Nawanagar, Distt.- Buxar- 802125
56. Ram Balak Singh Son Of Late Shiv Shankar Singh R/O Ward Goushganj- Satpahari, Barhar Road, Ward No. 2, Bhojpur, Arrah, Bihar- 802301
57. Neelam Singh Wife Of Anil Kumar R/O Housing Colony, H.I.G.- 3, Near B.S.N.L. Office, Chandawa, Arrah, Bihar- 802301
58. Manju Devi Wife Of Banshidhar Prasad R/O Road No. 24p, Rajeev Nagar,



Patna- 800024

59. Chandra Vijay Pathak Son Of Krishna Kumar Pathak R/O C/O K.K. Mishra, Flat No. 401, Raunak Mahadev Enclave, Road No. 60, Shanti Path Gardanibagh, Patna- 800001
60. Ganesh Prasad Gupta Son Of Baijnath Prasad Gupta R/O 301, Kaushikalya Aptt., Shivaji Path, Yarpur, New Jakkanpur, Patna- 800001
61. Priyanka Singh Wife Of Navin Deo Singh R/O Pandit Dindayal Colony, Mishrawaliya, Rauja, Gajipur, U.P.- 233001
62. Shashi Shekhar Roy Son Of Niranjay Roy R/O E/736, A Block East Layout Sonari, East Singhbhum Jharkhand- 831011
63. Sunita Jha Wife Of Sripati Jha R/O B-113, Buddha Colony, Near, Hospito India, Patna- 800001
64. Nirmala Pandey Wife Of Shivaji Pandey R/O 228, Ganga Niketan Niwas, Mp
65. Ranju Kumari Wife Of Anjani Kumar R/O Vill. And Post- K. Bajitpur, P.S.- Patepur, Distt.- Vaishali, Hajipur, State- Bihar- 843110

... .. Petitioners

Versus

1. The Union Of India Through The Assistant Director, Directorate Of Enforcement, Govt. Of India 1st Floor Chandpura Palace, Bank Road West Gandhi Maidan, Patna, Bihar
2. The State Of Bihar Through Its Secretary, Ministry Of Urban Development, Government Of Bihar Vikas Bhawan, Bailey Road Patna, Bihar
3. Director General Of Police, Bihar, Patna Bihar
4. Chief Judicial Magistrate, Patna Bihar
5. Real Estate Regulatory Authority, Bihar, Patna Bihar
6. Real Estate Appellate Tribunal (REAT) Through Its Registrar, Patna Bihar
7. ADG, Economic Offence Unit, Patna Bihar
8. Agrani Group Of Companies Through Its Director Alok Kumar Singh Bihar
9. Alok Kumar Singh R/O Yogipur, Chitragupta Nagar, P.S.- Patrkhar Nagar, P.O.- Lohianagar, Kankarbagh, Patna- 800020
10. Indian Overseas Bank Through Its Chairman, Chennai Central Office, 6th Floor, Annex Building 763 Anna Salai, Chennai- 600002
11. Indian Overseas Bank, Through Its Branch Manager, Kankarbagh Branch, Patna Bihar
12. Indian Overseas Bank, Through Its Branch Manager, Anisabad Branch, Patna Bihar

... .. Respondents

Appearance :

(In Criminal Writ Jurisdiction Case No. 1150 of 2022)

For the Petitioner/s : Mr. Punit Kumar, Advocate
For the State : Mr. Saroj Kumar Sharma, AC to AAG-3
For the E.O.U. : Ms. Soni Srivastava, Advocate



For the E.D. : Mr. Manoj Kumar Singh, Advocate
For the Respondent No. 8 and 9: Mr. Sanjay Singh, Sr. Advocate
(In Criminal Writ Jurisdiction Case No. 79 of 2023)
For the Petitioner/s : Mr. Punit Kumar, Advocate
For the State : Mr. Saroj Kumar Sharma, AC to AAG-3
For the E.O.U. : Ms. Soni Srivastava, Advocate
For the E.D. : Mr. Manoj Kumar Singh, Advocate
For the Respondent No. 8 and 9: Mr. Sanjay Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 02-08-2023

So far as defect no. 6(10) is concerned, learned counsel for the petitioners submits that all these petitioners have joined altogether seeking the same and one relief and this common relief may be granted by one stroke of pen without dealing with the individual cases of the petitioners, therefore, in view of the judgment of this Court in the case of **Ram Nandan Sharma Vs. State of Bihar** reported in **2000 (3) All PLJR 345**, separate court fees is not required.

2. There is no opposition to the aforesaid submission.

3. This Court has perused the reliefs prayed in the writ application. By filing these applications, all the petitioners are seeking a writ in the nature of Mandamus to the Respondent Nos. 1 to 7 to conduct a fair investigation into the allegation of embezzlement of Rs.1,00,00,00,000/- (Rupees One Hundred Crores) of the petitioners who claim that they have been duped by the respondents on the pretext of providing them flats.



4. This Court agrees with the submission of learned counsel for the petitioners that the reliefs prayed are common and need no separate discussions on the facts.

5. The defect no. 6(10) is, therefore, liable to be ignored and is ordered accordingly.

6. So far as defect no. 6(7) is concerned, learned counsel for the petitioners submits that the same has already been submitted.

Brief Facts of the Case

7. These two writ applications have been filed seeking a direction to the Respondent Nos. 1 to 7 to do investigation in the matter of embezzlement of Rs.1,00,00,00,000/- (Rupees One Hundred Crores) of the petitioners who claim that they have been duped by the Respondent No. 8 and its Directors one of whom has been made party Respondent No. 9 in the present writ applications. The petitioners also pray for a direction to initiate action under the Prevention of Money Laundering Act, 2002 (hereinafter referred to as the 'PMLA, 2002'). With reference to the FIR No. 275 of 2021 dated 28.02.2021 and FIR No. 309 of 2022 dated 10.07.2022 registered against Respondent Nos. 8 and 9 with Buddha Colony Police Station, the petitioners submit that there is an urgent need to take cognizance of these cases as the Respondent Nos. 8 and 9 are



planning to escape the country as per the sources of the petitioners. In last, it has been prayed that appropriate writ be issued commanding the Respondents particularly the Respondent Nos. 8 and 9 to return the money of the petitioners with simple interest at the rate of 8% per annum.

8. When the writ applications were taken up for consideration as back as on 16.11.2022, this Court called upon the Director General of Police, Bihar, Patna to file his affidavit as to how and under what circumstances, the police stations are refusing registration of FIRs which are sought to be lodged by the home buyers who have been duped by the builders/developers. The said direction was issued taking note of the submissions advanced on behalf of the petitioners that the police stations are not registering the complaints of the home buyers.

9. Vide order dated 16.11.2022, this Court while calling upon the Director General of Police, Bihar, Patna to file an affidavit, also called upon the learned C.J.M., Patna to submit a report on the action taken by him after receipt of the complaint in terms of the judgment of the Appellate Authority as contained in Annexure '3' to the writ application.

10. This Court further noticed the submission of learned counsel for the petitioners that even though the project in this case



did not start but the Indian Overseas Bank, Patna has sanctioned and disbursed a loan of more than Rupees Two Hundred Crores approximately. The prayer of learned counsel for the petitioners at the relevant time was that the investigation be either handed over to the Economic Offence Unit, Bihar (hereinafter referred to as the 'EOU') or to the Central Bureau of Investigation.

11. This Court issued notice to the Indian Overseas Bank, through its Chairman and the Indian Overseas Bank through its Branch Manager, Kankarbagh Branch, Patna and Branch Manager, Anisabad Branch, Patna who were added as Respondent Nos. 10, 11 and 12 respectively.

12. In the aforementioned background, when the cases were taken up for consideration on 07.12.2022, this Court directed learned counsel for the petitioners to serve two copies of the writ application on Ms. Soni Srivastava, learned counsel representing the EOU. On the said date, Mr. V.N.P. Sinha, learned Senior Counsel appeared for the EOU with Ms. Soni Srivastava, learned counsel and informed this Court that by now altogether 160 FIRs have already been instituted.

Stand on behalf of Respondent No. 5

13. A counter affidavit has been filed on behalf of Respondent No. 5 through its Officer on Special Duty. This Court



has been informed that four criminal complaint cases have been filed against Respondent Nos. 8 and 9 by the said respondent and cognizance has also been taken by learned C.J.M., Patna in those cases. Since Respondent No. 9 is in judicial custody in another case, the learned C.J.M., Patna has taken him on remand in these four cases.

14. It is reported that the Respondent Company had collected around Hundreds of Crores of Rupees from the allottees/complainants in the name of giving flats/plots since 2010 to 2019. The Respondent Company has admitted that they have taken money from the allottees/complainants for around fifty projects and from the records of the Authority and the cases filed before Respondent No. 5 also, it appears that the Respondent Company and its Directors have taken money for around fifty projects. From the report of the Chartered Accountant filed by the Respondent Company duly signed by the Director, it appears that till 31.03.2017, they had collected an amount of Rs.1,52,61,05,765/- from different allottees.

15. It is further submitted that the State Government has constituted a Special Investigation Team for proper inquiry into the matter and also to take suitable action against the promoters of M/S Agrani Homes Private Limited and M/S Shine City Infra



Projects Private Limited. The affidavit of Respondent No. 5 also refers Letter No. 5941 dated 23.08.2021 written by the EOU to Senior Superintendent of Police, Patna for institution of case against M/S Shine City Infra Projects Private Limited.

Stand on behalf of Respondent Nos. 10 to 12

16. A counter affidavit has been filed on behalf of Respondent Nos. 10 to 12. It is sworn by the Chief Manager, Indian Overseas Bank, Regional Office, Patna. In Paragraph '4' of the affidavit, it is stated that it has not sanctioned and disbursed loan of Rs. Two Hundred Crores approximately to Alok Kumar or to Agrani Homes as alleged by the petitioners.

17. Having said so, the affidavit further reveals that Vijya Raj Laxmi, wife of Alok Kumar of M/S Indus Venture which is a proprietorship firm (associate of Agrani Homes Private Limited) has availed a loan of Rs. Three Hundred Ninety Lakhs (Rs. Three Crores Ninety Lakhs) from the Indian Overseas Bank, Anishabad Branch, Mr. Alok Kumar (Developer of Agrani Homes and Guarantor of M/S Indus Venture) has availed housing loan from the Indian Overseas Bank, Kankarbagh Branch. The outstanding in that account as on 02.03.2021 is Rs. 1,91,29,381.43/-. In addition, Vijya Raj Laxmi has availed housing loan of Rs. Ninety Nine Lakhs.



18. It is stated that to secure the loan, the properties mentioned in Paragraph '6' which includes residential property at Plot No. 15, Patliputra Cooperative House Construction Society Limited measuring area 17,600 sq. feet has been mortgaged with the Indian Overseas Bank. Mr. Alok Kumar, in the capacity of Director, M/S Agrani Home Private Limited has created this mortgage of residential property registered in the name of Mr. Alok Kumar.

19. It is further stated in the counter affidavit that M/S Indus Venture through its Proprietor Vijaya Raj Laxmi (Borrower), wife of Alok Kumar (Guarantor) availed Miscellaneous Cash Credit Scheme on 08.04.2019 for Rs. Three Hundred Ninety Lakhs for six months up to 30.09.2019.

20. It is further stated that Ruban Hospital has out of the sale proceeds paid Rs.4,31,08,752.53/- in the Indian Overseas Bank loan account of M/S Indus Ventures (Proprietor Mrs. Vijaya Raj Laxmi) as against Rs.3.90 Crores stipulated in the agreement of sale executed on 7th February, 2020 between Mr. Alok Kumar and M/S Ruban Hospital.

Stand on behalf of the EOU

21. A counter affidavit has also been filed on behalf of the EOU. In view of the developments during pendency of the writ



application, a supplementary counter affidavit has been filed today as well.

22. The stand of the EOU is that vide Letter No. 12291 dated 24th November, 2022, the In-Charge of Cheating Cell, EOU, Bihar, Patna has forwarded the details of the complaints received and the action taken by the EOU to the Senior Superintendent of Police, Patna on different dates.

23. It is stated that the complaints received against the Agrani Builders and some more builders have been forwarded. Twenty Eight out of Thirty One such complaints are with respect to Agrani Builders. The counter affidavit further refers the complaints forwarded by Real Estate Regulatory Authority (in short 'RERA') and in this regard, letters as contained in Annexures 'B' and 'C' have been brought on record. The enclosures thereto contains the name of the complainants who have alleged against Agrani Homes and Directors.

24. In the supplementary counter affidavit, it is stated that the EOU has not instituted any independent case against the Builder Company or its Directors, rather the cases have been lodged in different police stations by the district police based on individual complaints of the victims. It is further stated that the Senior Superintendent of Police, Patna has furnished his report



vide Letter No. 1507 dated 11.07.2023 which carries the reports from (a) Buddha Colony Police Station, Patna (b) Shri Krishna Puri Police Station, Patna (c) Shastri Nagar Police Station, Patna (d) Patliputra Police Station, Patna (e) Kankarbagh Police Station, Patna (f) Shahpur Police Station, Patna and (g) Patrakar Nagar Police Station, Patna which would go to show that a large number of criminal cases have been lodged against Agrani Group of Companies and its Directors.

Stand on behalf of Respondent Nos. 8 and 9

25. Respondent Nos. 8 and 9 have also entered appearance and are represented by Mr. Sanjay Singh, learned Senior Counsel. They have filed counter affidavit and supplementary counter affidavit. Mr. Sanjay Singh, learned Senior Counsel has submitted before this Court that instead of proceeding with the criminal cases against the Respondent Nos. 8 and 9, it would have been in the interest of the Home Builders/Allottees if this Court constitutes a Committee to find out the ways and means towards refund of the money to the home buyers/allottees.

26. Learned Senior Counsel has made a submission that this Court may in exercise of its writ jurisdiction constitute such a Committee to examine the finances and the properties of this company from which home buyers may be paid.



27. Learned Senior Counsel has further submitted that in fact Rs. Four Crores approximately belonging to the Company is lying with the RERA (Respondent No. 5) and it would have been in the interest of the petitioners if the said Rs. Four Crores be distributed among the petitioners or the other allottees in terms of a scheme which may be formulated by the RERA.

28. It is further submission of learned Senior Counsel that the documents relating to the properties particularly the immovable properties created by the Company are also lying with the RERA. It would have been in the fitness of things, if those documents be either returned to the Respondent Nos. 8 and 9 or to the Enforcement Directorate (in short 'ED') for further needful. One of the way-out may be to allow the sale of the land and distribute the sale proceeds among the allottees.

Stand on behalf of Respondent No. 1

29. A counter affidavit has also been filed by the Assistant Director, Directorate of Enforcement, Government of India. It is stated in his affidavit that from perusal of the various FIRs, references of which have been made in paragraph '4(i)', it would appear that many persons intending to buy flats have been duped by the Directors of M/s Agrani Group of Companies, Patna, Bihar. The ED has registered one ECIR No. PTZO/01/2023 dated



11.01.2023 on the basis of the FIRs to initiate investigation under the provisions of PMLA, 2002 as Section 420 of Indian Penal Code, 1860 has been invoked in the said FIRs which is a Scheduled offence under Part- 'A' of the Schedule of PMLA, 2002. It is stated that during investigation more than 73 complaints have been received in Patna Zonal Office by investors/ purchasers of the land against respondent no. 8.

30. What has transpired in the course of investigation, prima-facie have been stated in various paragraphs of this affidavit. The ED has prima facie noticed that respondent nos. 8 and 9 had illegally diverted the deposits/investments made by the home buyers and purchased a property in their personal name at Patliputra Colony, Patna. They have also purchased about 15 bighas land at Parmanandpur, Sonapur, District-Saran at Chapra after diverting the funds of the deposits from the purchasers. It is stated that respondent no. 9 has been arrested by Bihar Police and is in judicial custody in Phulwarisharif Jail, Patna. The ED has recorded the statement of Respondent No. 9 under Section 50 of the PMLA, 2002. Search proceedings have been conducted and now the ED has filed an original application under Section 17(4) of PMLA, 2002 before the Adjudicating Authority, New Delhi requesting retention of the seized properties and records during



continuation of the investigation. The physical and digital records are being examined to find the linkage of the proceeds of crime with the Directors of M/s Agrani Home Private Limited and its Associate Companies and with other suspects.

Consideration

31. Having taken note of the aforementioned submissions and the stand of the respective parties, this Court is of the considered opinion that sitting under Article 226 of Constitution of India at this stage when the criminal cases against the respondent nos. 8 and 9 and their associates are under investigation with different agencies, it would not be just and proper to exercise its extraordinary writ jurisdiction to direct either distribution of the money which is said to be lying with the RERA or to constitute a committee for sale of the properties which are under investigation for allegedly having been acquired through the proceeds of crime.

32. This Court, therefore, would not accept the request of learned senior counsel for respondent nos. 8 and 9 to constitute a committee to find out the ways and means to pay off the money of the allottees. Such steps, if at all be taken, may be appropriately taken only after the investigation is over by the different agencies and the petitioners move before appropriate court/forum for



framing of a scheme for refund of money to the home buyers. It would require involvement of financial experts in drawing a scheme for that purpose. Therefore, this Court refrains from going into that aspect at this stage.

33. This Court has noticed that a large number of complaints have been filed and FIRs have been registered in different police stations. The EOU has also intervened and sent the complaints received in its office to the Senior Superintendent of Police, Patna. Considering that a large number of complaints have been registered in different police stations and it would require investigation through different police officers in different stations, it would not only be time taking but would also be a kind of impediment in proceeding towards investigation in right perspective.

34. This Court, therefore, is of the view that the Director General of Police, Bihar, Patna must take a view on these complaints and it would have been in the fitness of the things if all these FIRs are transferred to the Economic Offence Police Station and registered accordingly in accordance with law with the Economic Offence Police Station. The EOU may be directed to take charge of all the investigation and apply its best resources and expertise. This Court, therefore, directs the Director General



of Police, Bihar to pass an appropriate order within a period of two weeks from the date of receipt/production of a copy of this order.

35. This Court has noticed that there is an allegation of financing huge amount of loan to respondent no. 9 by Indian Overseas Bank. A perusal of the counter affidavit filed on behalf of the Bank admits to the extent that the finances were made to the entities of which proprietorship is vested with the wife of the respondent no. 9. It further reveals that respondent no. 9 stood as a guarantor and mortgaged the property and if this affidavit is read with the affidavit of the ED, respondent no. 9 has acquired some immovable properties in his own name from the money collected by the Company from the buyers. The property mortgaged with the Bank is one of the immovable properties. The ED is investigating with respect to the proceeds of the crime. This Court would not go into the merits of the allegations but is of the considered opinion that the EOU must look into this allegation as well and investigate the matter relating to the finance provided to the wife of the Respondent No. 9 by the Indian Overseas Bank taking guarantee from the Respondent No. 9. It has also transpired that in fact Respondent No. 9 entered into the sale agreement to sell the mortgaged property but the Bank never lodged any FIR against



Respondent No. 9. This conduct is also required to be inquired into.

36. This Court would at the cost of repetition of record that the direction to inquire into the allegations shall not be construed as any opinion of this Court on the merit of the allegations much less any finding and it is for the investigating agencies to act independently and reach to a conclusion based on the materials collected in course of investigation.

37. In any view of the matter, the investigating agencies are expected to conclude the investigation and submit their reports in the competent court/jurisdictional court as early as possible in accordance with law.

38. With the aforementioned observations and directions, these writ applications are disposed of.

(Rajeev Ranjan Prasad, J)

Lekhi/-
sushma/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.08.2023
Transmission Date	

