

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2501 of 2017

Arising Out of PS. Case No.-151 Year-2016 Thana- VIGILANCE District- Patna

Rajiv Nayan Kumar Singh S/o Late Balo Mahto, resident of Lohiya Nagar,
P.S.- Begusarai Nagar, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar Through S. P. Vigilance, Patna

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Lalit Kishore, Sr. Advocate Mr. Shashank Kumar Singh, Advocate Mr. Ashok Kumar, Advocate Mr. Manish Kumar, Advocate Mr. Anujit Sinha, Advocate
For the Respondent	:	Mr. Ramakant Sharma L.O., Inc. Vigi., APP
For the State	:	Mr. Anil Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 28-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This application has been filed for quashing of F.I.R.
bearing Vigilance P.S. Case No. 151 of 2016 registered for the
offences under Section 13(2) read with Section 13(1)(e) of the
P.C. Act, 1988.

It has been contended by Mr. Lalit Kishore, learned
senior Advocate appearing on behalf of petitioner that the
property which does not belong to the petitioner has also been
added in the property of the petitioner and thereby, a wrong
assessment has been made that the petitioner has property
disproportionate to his own source of income. He has further



submitted that whatever property stands in the name of petitioner is legally acquired/obtained property and the present F.I.R has been filed without checking of the factual details.

The Vigilance Department has filed a counter affidavit and has submitted that in the present case, charge-sheet has been submitted after investigation and the materials have come during investigation which show that the petitioner has property disproportionate to his own source of income.

Mr. Anil Singh, learned counsel for the Vigilance has submitted that the property which does not belong to the petitioner has been excluded from property of the petitioner during investigation.

In these circumstances, petitioner may file an application for discharge at the time of framing of charge and may raise all the grounds which he is raising at this stage.

It is the opinion of this Court that once the stage has changed, the petitioner has a right to raise all his grounds challenging his prosecution and pray for discharge at the stage of framing of charge and this Court will not look into the materials which are being brought by way of additional evidence by the petitioner for quashing his prosecution. The law laid down by the Hon'ble Supreme Court in case of *State of*



Bihar Vs P.P. Sharma reported in ***(1992) Supp (1) SCC 222*** is clear on the aforesaid submission in support of the Vigilance Department.

Accordingly, this application is disposed of with a liberty to the petitioner to raise all the grounds as available under the law at the stage of framing of charge.

At the stage of framing of charge if such grounds are raised by the petitioner, the court below will consider the same and will not be prejudiced by the fact that the petitioner had approached this Court for quashing the F.I.R.

(Sandeep Kumar, J)

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