

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.98 of 2023

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

1. SHALINI THAKUR Wife of Sanjeev Kumar Thakur R/v- Apex lab, Raghunath Path, RPS Center, Baily Road, Danapur cum Khagaul, Patna, P.S.- Danapur, Patna, Bihar- 801503
2. NIRMALA THAKUR Wife of Homendra Nath Thakur Resident- Flat No. 302, Genex Arya Raghunath Path, Near Sir GD College, Danapur, RPS More, P.S.- Danapur, Patna, Bihar- 801503
3. AVINASH DHARI Son of Ishwar Lal R/o Near Kayastha Shiv Mandir, Mainpura West, Danapur cum Khagaul, P.S.- Danapur, Patna, Bihar- 801503
4. REWATI RAMAN SINGH Son of Parmanand Singh R/o Saichak, Mahavir Nagar, Anisabad, P.S.- Gardanibagh, Patna- 800002
5. ABHINANDAN KUMAR SINHA Son of Late Dasrath Prasad Mehta R/o Purshottam Palace near Patliputra Colony near Lotus Apartment Boring Road, P.S.- Patliputra, Patna Bihar 800013
6. SURESH KUMAR Son of Ambika Ram R/o Ward 12, P.S.- Naubatpur, Bhawani Chak, Amarpura, Patna, Bihar 801117
7. MRIDULA KUMARI Wife of Vishwajeet Kumar R/o Dipa Bhawan 96 South of Bazaar Samiti New Kinj Colony, P.S.- Sampatchak, Patna, Bihar 800016
8. SUBHAS KUMAR TIWARI Son of Ajay Kumar Tiwari R/o 5A/04/03, CISF Complex, RGI Airport, Mamidialle, K.V. Rangareddy, P.S.- Saroonnagar, Andhra Pradesh, 500005
9. SANJAY KUMAR Son of Satya Prakash R/o Padrauna, Pohardiya, P.S.- Pararauna, Siwan, Bihar, 841232
10. DR. MANOJ KUMAR Son of Dr. Kailash Prasad Singh R/o Sumitra Sadan, Sardar Patel Path, Sheikhpura, Rukanpura, BV College Danapur, P.S.- Shashtrinagar, Patna, Bihar, 800014
11. ANUJ KUMAR Son of Dharendra Singh R/o B/5 Indrapuri Path, Saristabad, P.S.- Gardanibagh, Phulwari, Patna, Bihar, 80001
12. MD. AFTAB ALAM Son of not given R/o 106 B wing, Om Sai E nclave, Poonam Sagar Complex Layout next to Gracious High School, P.S.- Mira Road East, PO Thane, Maharashtra, 401107
13. MRS. NITU KUMARI Wife of Vikash Kumar R/o Mohalla- Jhing Nagar Sangat, P.S.- Biharshariff, District- Nalanda, Bihar, 803101
14. AMRESH KUMAR Son of Sri Surendra Jha R/o Mohalla- 24 Thana No. 2, Village- Samsa, Anchal and P.S.- Mansruchak, District- Begusarai, Bihar- 851128
15. MRS. AKANCHHA KUMARi Wife of Sri Amritanshu Kumar R/o- C/O Pratima Singh, Village/Mohalla- Sarvoday Nagar, P.O.- Bishnupur, District- Begusarai, Presently residing at 57, Ward No. 10, Purana Thana Chowk, P.S.- Matihani, District- Begusarai, Bihar- 851129
16. DINESH PRASAD GUPTA Son of Late Madan Prasad R/v- Arwal Sipah, P.O. and P.S.- Arwal, District- Arwal, Bihar- 804401



17. RAVI KUMAR Son of Radha Mohan Prasad R/o H. No. 422, P.O. and P.S.- Waliganj, Vill- Ara, Bihar- 80301
18. KUNAL KUMAR Son of Arun Kumar Srivasatava R/o Mohalla 402 Savitri Nillayam Apartment, Gardanibagh Road No. 37, Chitkohra, VTC, Anisabad, P.S.- Gardanibagh, P.O.- Anisabad, District- Patna, Bihar- 800002
19. SRI RAKESH VERMA Son of Late Brajeshwar Prasad Resident at 107, Karpura Moon Place, Road No. 37, P.S.- Gardanibagh, Patna- 800002
20. SANJAY KUMAR SHRIVASTVA Son of Late Brajeswar Prasad Resident- Flat No. 107, Karpura Moon Place, Gardanibagh Road No. 37, P.S.- Gardanibagh, Patna 800002
21. SUDHIR KUMAR SHRIVASTVA Son of Late Brajeswar Prasad Resident- 324, New Colony, P.S.- Garhara, Begusarai, Bihar- 851126
22. ASHA VERMA Wife of Rajendra Prasad Verma R/o Ward 13, Bhulingaw, P.S.- Banwari Basant, Saran, Bihar- 841202
23. SUPRIYA KUMARI Wife of Sri Sanjeev Kumar Resident at Rasaulpur, Zilani Road, Majhauria Road, Ward No. 27, Sri Krishna Chowk, P.S.- Manjhauliya, Muzaffarpur, Bihar- 842001
24. ANSHUL DEVI Wife of Jeetendra Kumar R/o Group Centre, CRPF Umanagar, P.S.- Jhapaha, Muzaffarpur, Bihar, 8424004
25. ANKITA KUMARI Wife of Abhishek Kuymar R/o C/o Satya Prakash Srivastava, Chitragupta Path, New Jakkampur, P.S.- Jakkampur, Patna 800001
26. SABAL HIND SEN Son of Ram Krishna Prasad R/o Nepura, P.O. and P.S.- Asthawan, District- Nalanda, Bihar, 803107
27. MANORAJNAN KUMAR SHARMA Son of Ram Naresh Sharma R/v and Post- Bargawn, P.S.- Mau, District- Gaya, Bihar, 824235
28. SANTOSH KUMAR Son of Sri Bhagwan Singh R/o Sai Vatika, Flat No. UG 10, Rajnagar, Khagaul Road, P.S.- Danapur, Patna- 801105
29. BALBIR CHANDRA BHARTI Son of Suresh Ram R/o 40 Gaya Nawada Road, Manpur, Lakhapur, P.S.- Butgere, District- Gaya, Bihar- 823003
30. AVINASH JHA Son of Dayanand Jha R/o BI- 23, Kribhco Shyam Nagar, P.S.- Piprola, Jalalabad Road, Shahjahanpur, Uttar Pradesh- 242001

... .. 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,
2. The State of Bihar through its Secretary, Ministry of Urban Development, Govt. of Bihar Vikas Bhawan, Bailey Road Patna,
3. Director General of Police, Bihar, Patna
4. Chief Judicial Magistrate, Patna
5. Real Estate Regulatory Authority, Bihar, Patna
6. ADG, Economic Offence Unit, Patna
7. Agrani Group of Companies through its Director Alok Kumar Singh registered office at House NO. 15 Ward No. 1, FA, P.S.- Patliputra,



Patliputra Colony, Patna- 800013

8. Alok Kumar Singh resident of Yogipur, Chitragupta Nagar, P.S.- Patrakar Nagar, P.O.- Lohianagar Kankarbagh, Patna- 800020
9. Indian Overseas Bank through its Chairman, Chennai Central Office, 6th floor, Annex Building 763 Anna Salai, Chennai- 600002
10. Indian Overseas Bank, through its Branch Manager, Kankarbagh Branch, Patna Bihar
11. Indian Overseas Bank, through its Branch Manager, Anisabad Branch, Patna Bihar

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Punit Kumar, Advocate Mr. Shiv Pratap, Advocate
For the State	:	Mr. Prabhat Kumar Verma, AAG-3 Dr. Anand Kumar, AC to AAG-3
For the UOI	:	Mr. Manoj Kumar Singh, Advocate
For the EOU	:	Mr. VNP Sinha, Sr. Advocate Mr. Vijay Anand, Advocate
For Resp No. 5	:	Mr. Jainanda Kumar, Advocate
For Resp No. 11	:	Mr. Raj Nandan Prasad, Advocate Mr. Vishesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-11-2023 Heard learned counsel for the petitioners, Mr. P.K. Verma, learned AAG-3 for the State assisted by Dr. Anand Kumar, learned Advocate, Mr. V.N.P. Sinha, learned senior counsel for the Economic Offence Unit (in short 'EOU') assisted by Mr. Vijay Anand and Mr. Sanjay Singh, learned senior counsel who has entered appearance today on behalf of respondent nos. 7 and 8. It is recorded that no *Vakalatnama* has been filed on behalf of respondent nos. 7 and 8, however, the Court has heard learned senior counsel for those respondents.

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



“(I) For issuance of appropriate order/s, direction/s including a writ preferably in the nature of **MANDAMUS** for direction/s to Respondent No.-1 to do investigation in embezzlement of Rs.100 crores of the petitioners who have been duped by the respondent no. 7 & 8 on pretext of getting flats/plots for them. Respondent No. 1 actions/inaction and dereliction of the duties vested under the Prevention of Money Laundering Act, 2002 has failed to initiate investigation against Respondent No. 7 & 8 for their role in embezzlement of Rs. 100 crores (approx.) wherein Respondent No. 1 despite in receipt of the complaints from petitioners wherein the Petitioners had elaborated the embezzlement of funds of by Respondent No. 7 & 8 which is a Real Estate Company and had taken money from petitioners for providing them flats.

(II) For issuance of a writ, order or direction commanding the Respondent No.-1 (ED) to investigate into the aforesaid case on the basis of several FIRs registered against private respondent no. 7 & 8 and to submit report to this Court and recover money of the Writ Petitioners.

(III) To issue an appropriate writ commanding the Respondents particularly respondent no.-7 & 8 to return back the money with 8% simple interest to the writ petitioners and other allottees or by delivering the property by adjusting in the delaying compensation.

(IV) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

3. Earlier, this Court passed an order on 31.10.2023



which reads as under:-

“Order dated 31.10.2023

Despite opportunity given to learned counsel for the State to file an affidavit, no affidavit has come showing compliance with the direction of this Court contained in the order dated 02.08.2023 passed in Cr.WJC No. 1150 of 2022.

2. Mr. Suman Kumar Jha, learned AC to AAG-3 for the State is not even in a position to say as to why the affidavit could not be filed.

3. In the circumstances, while posting this case to be listed on 23rd November, 2023 for compliance, this Court imposes a cost of Rs.2,000/- (Rupees Two Thousand Only) upon the State which will be deposited with the Patna High Court, Legal Services Committee before next date of hearing.

4. If the affidavit showing compliance is not filed by the next date, this Court would be constrained to call upon the Director General of Police, Bihar to appear in person to explain the reasons for such inaction on the part of the State in showing compliance with the order of the Court.”

4. Mr. V.N.P. Sinha, learned senior counsel for the EOU submits that the Director General of Police, Bihar has already ordered that all the cases relating to Agrani Group of Companies which are under investigation shall be transferred to the EOU and the EOU shall investigate all such cases. A supplementary counter affidavit has been filed on behalf of the



EOU today. Paragraphs '5' to '8' of the supplementary counter affidavit are being extracted hereunder for a ready reference:-

“5. That it is most humbly and duly submitted that two letters were received vide Ref. No. 109/Legal Cell dated 17.10.2023 and Ref. No. 627/2023 dated 08.11.2023 upon behalf of the Director General of Police, Bihar, Patna duly signed by the Deputy Inspector General (Human Rights), Bihar, Patna, through which the Additional Director General of Police, Economic Offence Unit, Bihar, Patna has been requested to take further necessary action in lieu of the order passed by the Hon'ble High Court of Judicature at Patna in Cr.W.J.C. No. 1150 of 2022 dated 02.08.2023.

6. That in addition to the affidavit filed earlier on behalf of the EOU, Bihar, Patna, it is most humbly stated and submitted that by an order contained under Memo No. 572 dated 10 November, 2023 issued under the signature of the Additional Director General of Police, Economic Offence Unit, Bihar, Patna with respect to the Agrani Group of Companies through its Director Alok Kumar Singh and others, it was found that in the State of Bihar particularly in Patna District and in Gaya District, there are altogether 61 criminal cases instituted by different victims/buyers of the builder-Agrani Group of Companies and accordingly investigation of these cases relating to Agrani Group of Companies as mentioned in the said order were taken over for investigation formally by the Economic Offence Unit.

7. That thereafter on 17 November, 2023 a meeting with respect to the cases that were lodged against the Agrani Group of Companies was held



in the Economic Offence Unit chaired by the Superintendent of Police in presence of concerned investigating officers as also Staff Officer/Deputy Superintendents of Police and different inspector rank officers of the Economic Offence Unit and it was observed that as on 17 November, 2023 from the District, 35 case related details and their charge have been taken over by the Economic Offence Unit and for the remaining cases, the investigating officers have been asked to take over the charge and to examine the materials. Further with respect to 35 cases, the matter was deliberated and on ten points as mentioned in the report, directions have been issued by the Superintendent of Police, Economic Offence Unit, Bihar, Patna under Memo No. 247 dated 17 November, 2023.

8. That the EOU shall be carrying out further investigation and would be filing time reports in the cases against the accused person(s).”

5. From the statements made in the supplementary counter affidavit of the EOU, it appears that the cases have been transferred to the EOU for investigation and now the investigation is going on. In that view of the matter, this writ application has lived its utility and is being disposed of with a direction to the EOU to proceed with the investigation, continue with the same and complete it within a reasonable period. Upon completion of the investigation, appropriate report be submitted in the jurisdictional court. The informant of all these cases



would be at liberty to request the learned jurisdictional court to monitor the investigation, if so required, in accordance with law keeping in view the judgments of the Hon’ble Supreme Court on the subject.

6. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

