

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31296 of 2023

Arising Out of PS. Case No.-55 Year-2013 Thana- VIGILANCE District- Patna

Jai Prakash Narayan Son Of Late Ramchandra Prasad Resident Of Village-
101, Lalita Apartment, S.P. Sinha Path, East Boring Canal Road, Ps- Kotwali,
Distt- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through Department Of Agriculture, Old Secretariate,
Patna Bihar
2. The Department Of Vigilance, 4th Floor, Soochna Bhawan, Near New
Secretariatm, Patna Bihar
3. Law Secretary Dept. Of Law Govt. Of Bihar Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Sr. Advocate Mr. Samrendra Kumar Jha, a Advocate Mr. Girish Pandey, Advocate
For the Opposite Party/s :		Mr. Ramchandra Sahni
For the Vigilance	:	Mr. Arvind Kumar, SPP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 01-07-2024 This is an application for quashing the cognizance

order dated 12.11.2013 passed by the learned Special Judge,

Vigilance (Trap), Patna under Section 7/13(2) read with 13(1)

(D) in Special Case No. 58/2013 arising out of Vigilance P.S.

Case No. 55 of 2013.

2. Heard Shri Amit Srivastava; learned senior
counsel for the petitioner assisted by Shri Samrendra Kumar
Jha, learned counsel for the State and learned counsel for the
Vigilance; Shri Arvind Kumar.

3. Learned senior counsel for the petitioner has



taken this court to the sanction order dated 07th of November, 2013 passed by the then Law Secretary by which he has granted sanction for prosecuting the petitioner.

4. It has been submitted by the learned senior counsel for the petitioner that the sanction order is a non-speaking and cryptic order and suffers from non application of mind. He has also submitted that these kind of orders have been passed with regard to other accused persons who are facing prosecution in different cases and orders are same word to word.

5. The learned counsel for the vigilance has vehemently opposed the prayer of the petitioner and has submitted that there is no defect in the sanction order and the then Law Secretary has applied his mind.

6. I have gone through the sanction order impugned and the other sanction orders passed by the then Law Secretary and I find substance in the argument of learned senior counsel for the petitioner; Shri Amit Srivastava.

7. The Law Secretary has passed all the sanction order which are copy of each other and these kind of orders cannot be sustained.

8. In view of the above discussion, this application is allowed and the cognizance order dated 12.11.2013 passed by



the learned Special Judge, Vigilance (Trap), Patna in Special Case No. 58/2013 arising out of Vigilance P.S. Case No. 55 of 2013 is hereby quashed.

9. The matter is remitted back to the Law Secretary for passing a fresh sanction order in accordance with law within two months of communication of this order.

10. Let a copy of this order be communicated to the Law Secretary, Department of Law, Government of Bihar, Patna, Bihar through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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