

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.198 of 2021

In

Civil Writ Jurisdiction Case No.19748 of 2018

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1. Saraswati Devi Wife of Late Mahesh Thakur Resident of Village- Andharwara, P.O.- Bidupur, P.S.- Rajapakar, Dist- Vaishali.
 2. Vijay Shankar Sharma Son of Late Mahesh Thakur Resident of Village- Andharwara, P.O.- Bidupur, P.S.- Rajapakar, Dist- Vaishali.
 3. Krishna Nandan Sharma Son of Late Jagdish Thakur Resident of Village- Andharwara, P.O.- Bidupur, P.S.- Rajapakar, Dist- Vaishali.
 4. Ram Shankar Sharma Son of Late Mahesh Thakur Resident of Village- Andharwara, P.O.- Bidupur, P.S.- Rajapakar, Dist- Vaishali.
 5. Babby Devi @ Baby Kumari Wife of Rajdeep Thakur Resident of Village- Andharwara, P.O.- Bidupur, P.S.- Rajapakar, Dist- Vaishali.
 6. Manju Devi Wife of Kameshwar Sharma Resident of Village- Andharwara, P.O.- Bidupur, P.S.- Rajapakar, Dist- Vaishali.
 7. Md. Iqbal Son of Md. Islam Resident of Village- Gauspur Izra, P.S.- Hajpur Sadar, Dist- Vaishali at Hajipur.
 8. Farzana Khatoon Wife of Md. Iqbal Resident of Village- Gauspur Izra, P.S.- Hajpur Sadar, Dist- Vaishali at Hajipur.
 9. Raghunath Rai Son of Devaki Rai Resident of Village- Bidupur Dih, P.O. and P.S.- Bidupur, Dist- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Mr. Chanchal Kumar, Govt. of Bihar at Patna.
2. Mr. Amir Subhani, The Principal Secretary, Dept. of Homes and affair, Bihar, Patna.
3. The Union of India through Mr. Himanshu Shekhar, The Registrar of Companies Ministry of Corporate Affairs at Maurya Lok, Patna.
4. Mr. Rishi Kumar Shukla, The Director, Central Bureau of Investigation, New Delhi.
5. Mr. Suman Kumar, The Assistant General, Securities and Exchange Board of India, Patna.
6. Mr. Brij Raj, The General Manager, Reserve Bank of India, South Gandhi Maidan, Patna.
7. Mr. J.S. Gangwar, The Inspector General, Economic Offence Unit, Bihar, Patna.
8. Mrs. Udit Singh, The District Magistrate, Vaishali at Hajipur.

... .. Opposite Party/s



Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Soni, Adv.
For the CBI	:	Mr. Avanish Kumar Singh, S.P.P., C.B.I. MR. Ambar Narayan, Adv. Mrs. Barkha, Adv.
For E.O.U.		Mr. V.N.P. Sinha, Sr. Adv. Mrs. Soni Shrivastava, Adv.
For the State		Mr. Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-05-2024

The present MJC/Contempt Petition is filed for non compliance of the order dated 06.01.2020 passed in CWJC No. 19748 of 2018. In the light of the aforementioned order of co-ordinate Bench, petitioners submitted representation on 25.01.2020. Thereafter, the concerned authority was required to redress the grievance of the petitioners within a period of three months from the date of receipt of representation. There is a total inaction on the part of the official respondents in disobeying the orders of this court read with the petitioners' representation. Annexure-B dated 26.02.2020 which is evident that forwarding the complaint of the petitioners to the office of the Superintendent of Police, Economic Offence Wing, Patna. On this issue in the today's show cause in para 12 it is stated as under:-

*12. That the aforesaid letter was,
in fact, received in the Office of the Economic*



Offences Unit, Bihar, Patna on 05.03.2020 in the central receipt section which was thereafter received by one Constable No. 106, namely, Kalpana Kumari of Non- Banking Financial Institution Section of the EOU. However, it appears that she had placed the same in some other file and thus no action was taken on the said letter nor was any senior official of the EOU was made aware of the same, at that time.

2. Para 12 statement is very vague. The present contempt was filed in the year 2020/2021. Copy of the contempt petition was made available in the office of the Advocate General.

3. Taking note of the aforementioned material, the concerned respondents have committed contempt of court. In fact on 03.05.2024 the following order was passed:-

On 09.04.2024, the following order was passed:-

"Mr. Madan Kumar Anand, Superintendent of Police, Economic Offence Unit, Patna, Bihar is hereby directed to appear through V.C. or in person and furnish his explanation, in writing and so also orally, as to what steps have been taken from the year 2020 till 2024, what prevented him in not registering F.I.R. in the year 2020, 2021, 2022 and 2023. Such explanation shall be filed in the form of personal affidavit.

2. Relist this matter on 03.05.2024.

2. Mr. Madan Kumar Anand, Superintendent of Police, Economic Offence Unit, Patna is present in the Court.

3. Today, previous order has been complied. We have perused the affidavit, it is not a



personal affidavit, on the other hand it is an application supported by affidavit, therefore, there is a non-compliance of the previous order.

4. Accordingly, application and affidavit stands returned in order to file personal affidavit. Further, we have noticed that there is no response to Annexure-B, there was a CBI communication to the office of the Superintendent of Police, Economic Offence Unit, Patna. Economic Offence Unit, Patna is part of the State of Bihar. The State of Bihar is represented by one Mr. P.K. Verma in CWJC No. 19748 of 2018 which was decided on 06.01.2020.

5. Office of the Economic Offence Unit, Patna is stated to have not in receipt of order dated 06.01.2020 passed in CWJC No. 19748 of 2018 or any communication from the office of Advocate General in particular Mr. P.K. Verma who had appeared. On these two issues, the affidavit must disclose to the extent whether office of the Economic Offence Unit where in receipt of communication from Annexure-B and any communication from Mr. P.K.Verma, AAG-3, office of the Advocate General, State of Bihar, such better personal affidavit shall be filed before next date of hearing.

6. Re-list this matter on 10.05.2024.

7. Personal appearance of Senior Superintendent of Police of Superintendent of Police, Economic Offence Unit, Patna stands dispensed for the next date of hearing.

4. Having regard to the fact that now they have complied in registering FIR on 03.04.2024. The competent authorities are hereby directed to peruse the grievance of the petitioners in the representation dated 25.01.2020 and redress



the same at the earliest. If they have any difficulty, in that event they are permitted to file interlocutory application and apprise this court. Similarly, if the petitioners further grievance stated in the representation other than registering FIR is not undertaken within a period of three months, in that event, petitioners are at liberty to file interlocutory application to revive this order.

5. Accordingly, the present MJC stands disposed of, due to lackness in implementation of orders of this court read with the petitioners' representation for four years. The concerned respondents are liable to pay cost of Rs. 25,000/- (Rupees twenty five thousand only). Cost shall be paid to the petitioners within a period of eight weeks.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.05.2024
Transmission Date	N.A.

