

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52221 of 2023

Arising Out of PS. Case No.-7 Year-2002 Thana- VIGILANCE District- Patna

BAIJNATH PRASAD S/O LATE ALAKHDEO LAL R/O MOHALLA-
BUDHNAGAR ROAD NO. 2, PS. KANKARBAG, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE INVESTIGATION
BUREAU, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hansraj
For the Opposite Party/s	:	Mr. Rana Vikram Singh, Spl. P.P., Vigilance
For the State	:	Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 23-09-2024 Heard the parties.

2. This application has been filed for quashing the order dated 22.4.2006 passed by special Judge, Vigilance, Patna in Special Case No. 21 of 2002 arising out of Vigilance P.S. Case No. 07 of 2002 registered for the offence under Section 420 of the Indian Penal Code and cognizance has been taken under Section 420, 465, 466, 467, 471, 477A, 201, 109, 120B of the Indian Penal Code and under Section 13 (1)(D) read with 13(2) of the Prevention of Corruption Act.

3. On the complaint of a member of Legislative Assembly, a vigilance enquiry was instituted against Ashok Kumar Singh, I.A.S., the then Managing Director, Bihar State Financial Corporation, Patna. The enquiry was conducted against Ashok Kumar Singh with respect to allegation of defalcation of money, appointing his relatives as advocates and payment of heavy legal fee, illegally sanctioning lacs and crores as loan, helping scampsters of Animal Husbandary Department



and creating two organizations namely "Samvedna" and Green Earth India for raising donations from loanee entrepreneurs as well as acquiring different movable and immovable properties at different places. On preliminary investigation, report was submitted on 25.3.1998 to the Personnel and Administrative Reforms Department for taking a decision in the matter. After the submission of the report, the investigation was directed with respect to three items. The allegation connected with Lokesh Man Wine Industries, Digha, Green Earth India, Patna and Samvedna, Patna the two Non- Government Organizations and disproportionate earnings with respect to Ashok Kumar Singh.

4. It has been submitted by the learned counsel for the petitioner that the petitioner has committed no offence and has falsely been implicated in this case and the only allegation against the petitioner is that he has made available the file to Ashok Kumar Singh who is also an accused.

5. Learned counsel for the petitioner further submits that the main allegation is against Ashok Kumar Singh, who had filed Cr. W.J.C. No. 352 of 2002 before this Court which for quashing of his prosecution and the same was allowed vide order dated 7.5.2007. He also submits that no case is made out



against the petitioner and the prosecution of the co-accused Ran Vijay Kumar, Anil Kumar and Devendra Kumar has also been quashed.

6. Learned counsel for the Vigilance Department has also filed his counter affidavit and has submitted in paragraph 6, 7 and 8 as follows :-

6. That in reply to para 08 of the writ petition it is stated that the accused petitioner along with other accused persons namely Sri Achal Kumar Rana, Sri Kalika Singh, Sri Namo Narayan Agrawal, Sri Markandey Singh, Sri Anil Kumar and Sri Ashok Kumar Singh has filed a petition before the special court vigilance, Patna dated 25.11.2014 in the light of the order passed by the Hon'ble Supreme court dated 09.07.2014 passed in criminal appeal no. 1651/2013 but aforesaid court vide his order dated 29.08.2015 has rejected the petition of all the accused petitioners barring Sri Ashok Kumar Singh as the court observed that the impugned FIR was lodged against the first respondent Sri Ashok Kumar Singh based on the vigilance enquiry stood quashed and therefore, the court held that the proceeding of the case is maintainable against other accused persons.

7. That the accused petitioner Sri Baijnath Prasad the then Personal Assistant, I.G. Registration, Bihar, Patna by abusing his official position in criminal conspiracy with the principal offender namely Sri Ashok Kumar Singh has manipulated the records of Registration by way of forgery in favor of Sri Ashok Kumar Singh the evidence of which has been elaborated in aforesaid paras 3.4 to 3.8 clearly shows that being as a public servants he has not only cheated the department by manipulating the aforesaid record of registration and by laws of the NGO's "Samvedna" and "Green Earth" and therefore committed the crime for which he has been charge-sheeted.

8. That the evidence which surfaced during



the course of investigation clearly establishes the complicity of the accused petitioner in the commission of crime.

7. I have considered the submissions of the parties.

8. A number of co-accused persons had approached this Court for quashing of their prosecution including the main accused Ashok Kumar Singh and their prosecution has been quashed including the prosecution of Ashok Kumar Singh by this Court.

9. I have gone through the records of the case and have examined the materials available on record and I find that the case of the petitioner is similar to the case of other co-accused persons whose application has been allowed by this Court.

10. In view of the aforesaid facts, this application is allowed.

11. Accordingly, the order dated 22.4.2006 passed by special Judge, Vigilance, Patna in Special Case No. 21 of 2002 arising out of Vigilance P.S. Case No. 07 of 2002 is hereby quashed with regard to the petitioner only.

(Sandeep Kumar, J)

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