

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1509 of 2024

Arising Out of PS. Case No.-93 Year-2016 Thana- VIGILANCE District- Patna

Rajeev Ranjan Prakash S/o Sri Ram Chandra Ram R/o C 304, Saket Vihar
Apartment, Khajpura, Raja Bazar, Rukanpura, Patna and Presently Posted as
Senior Deputy Collector, Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Law Secretary, Dept. of Law, Gov. of Bihar
Old Secretariat, Patna
2. The Law Secretary, Dept. of Law, Gov. of Bihar, Old Secretariat, Patna
Bihar
3. The Under Secretary, General Administration Department, Gov. of Bihar,
Old Secretariat, Patna Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Priya Ranjan, Adv. Mr. Sandeep Kumar, Adv. Mr. Sudarshan Bharadwaj, Adv.
For the Respondent/s	:	Mr.Randhir Kumar, AC to Sc.18
For the Vigilance	:	Rana Vikram Singh, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 03-10-2024 Heard both the counsels appearing for the parties.

2. This writ petition has been preferred by the petitioner
seeking following reliefs:

*That the present Criminal Writ Application in the
nature of Mandamus directing the learned Special Court,
Vigilance, Patna to accept the filing of the petitioner for
permission/approval, hear and decide the petition of the petitioner
for treatment at Singapore, which has already been granted by
Respondent No. 3 for the treatment of Cancer at Singapore, which
is subject to the approval by the learned Special Court, Vigilance,*



Patna.

Or, this Hon'ble Court may grant permission for medical treatment to the petitioner in view of the fact that the respondent no. 3 has granted permission for cancer treatment at Singapore, which is subject to permission by the learned Special Court, Vigilance, Patna proceeding, the application filed by the petitioner for grant of approval was returned and no order was passed by the learned Special Court, Vigilance, Patna.

3. It is submitted by the learned counsel for the petitioner that when the petitioner was posted as Executive Officer Nagar Parishad, Sasaram i.e. between 2013 to 2015 a Vigilance P.S case no. 93 of 2016 (Special Case No. 53 of 2016) for offences punishable under Sections 409, 406, 420, 467, 468, 471 and 120B of IPC and also 13 (2) read with Sections 13(1)(c) (d) of the PC Act has been registered against the petitioner. In the said criminal proceeding, anticipatory bail has been granted by this Court vide Order dated 12.12.2017 passed in Criminal Miscellaneous No. 31066 of 2017. It is further submitted by the counsel that subsequently another case has been registered against the petitioner while he was posted at Siwan i.e. between 2015 to 2021 as Vigilance P.S. Case No. 01 of 2017 for the offences punishable under Sections 409, 406, 420, 467 and 468 of IPC and 13(2) read with 13(2)(c)(d) of the Prevention of Corruption Act, 1988, and in that criminal proceeding also, the



petitioner has got anticipatory bail from this Court vide Order dated 13.12.2017 passed in Cr. Misc. No. 56076 of 2017.

4. It is submitted by the counsel that the petitioner is a cancer patient and is under treatment at VMMC & Safdarjung Hospital, New Delhi and Dharamshila Narayana Super Speciality Hospital, Delhi but, his disease i.e. cancer is not cured yet and the petitioner wants to visit Singapore for better cancer treatment at National Cancer Centre of Singapore (NCCS). The said hospital is also ready to treat the petitioner subject of fulfillment of certain documents.

5. Learned counsel further submit that NOC has been already obtained by the petitioner from State Government and as directed by the State Government the petitioner make an application before the concerned Trial Court i.e. Vigilance Court of Patna for taking the NOC, but the application submitted by the petitioner has been returned back to the petitioner saying that since there is stay granted in the favour of the petitioner therefore, the concerned court is not able to pass any order.

6. Specific query has been made by this Court through the counsel that whether any order has been passed by the concerned Vigilance Court on the application made by the petitioner. It is informed by the counsel that no any order has



been passed and only with the oral instructions the application was returned back to the petitioner.

7. Considering the above submission made by the counsel for the petitioner, this petition is disposed of giving liberty to him to file the application afresh before the concerned Vigilance Court within one week from today and on submission of such application the concerned Vigilance Court is also directed to consider the application and decide it probably within 15 days from the submission of that application in accordance with relevant rules and laws.

8. With the aforesaid observation this petition is disposed of.

(Arvind Singh Chandel , J)

Siddharth Soni/-

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