

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13992 of 2022

1. Nawnit Kumar S/o Arun Chaudhary, Parnkuti, 1st Floor, Khaitan Lane, West Boring Canal Road, P.S.- S.K. Puri Patna, Bihar.
2. Dharamjay Kumar S/o Madan Mohan Prasad Singh, Ward No.- 5, Hathidah Buzurg, P.S.- Hathidah, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. Union of India through its Secretary (Financial Services), Department of Financial Services, Ministry of Finance, New Delhi.
3. Central Bank of India, through its Managing Director (MD), Mumbai.
4. National Bank for Agriculture and Rural Development (NABARD), through its Chief General Manager (CGM) Maruya Lok Complex- Block B, 4th and 5th Floor, Dak Bungalow Road, Patna-800001 Patna, Bihar.
5. Uttar Bihar Gramin Bank, through its Chairman, Head Office Kalambagh Chowk, Muzaffarpur.
6. Senior Superintended of Police (SSP), Muzaffarpur.
7. Directorate of Enforcement (ED), Govt. of India, 1st Floor Chandpura Palace, Bank Road West Gandhi Maidan, Patna Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shiv Pratap, Advocate
For NABARD	:	Mr. Chittranjan Sinha, Sr. Advocate
	:	Mr. Siddhartha Prasad, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh (AAG 13)
	:	Mr. Rajat Kumar Tiwary, (AC to AAG-13)
For the UOI & Res. No.1:	:	Mr. Deepak Kumar, Sr. CGC
	:	Mr. Arvind Kumar, CGC
For the Res.-Bank	:	Mr. Ajay Kumar Sinha, Sr. Advocate
	:	Mr. Ajit Kumar Sinha, Advocate
	:	Miss. Minu Kumari, Advocate
	:	Miss. Dilkash Khan, Advocate
For Res. No.3, Central Bank of India	:	Mr. Siddharth Harsh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-03-2024

In the instant petition, petitioner has prayed for the following relief:-



(i) For issuance of a writ, order, or direction in the nature of mandamus thereby directing the respondents to initiate inquiry either by S.I.T., C.B.I., or any other independent agency under the supervision of this Hon'ble Court in frauds committed by officials of Respondent Uttar Bihar Gramin Bank which has been revealed in audit report conducted by its auditor. According to the audit reports, such frauds alone have caused losses in excess of Rs.500 cores, and Respondent No. 1, 3 & 4 have not even given a cursory look at such frauds altogether it has acknowledged the same.

(ii) To issue a writ, order, or direction in the nature of mandamus thereby directing Respondent No.7 & Central Bureau of Investigation (C.B.I.) to register a regular case and conduct a depth investigation in the matter of the large-scale fraud and scam of the public money as reported by the petitioner in his complaint dated 20.08.2022 and complaint dated 17.07.2021 made to Chief Judicial Magistrate (CJM), Muzaffarpur on the basis of which FIR No. 83/2022 dated 20.03.2022 pertaining to PS Kazi Mohammadpur, was lodged against erring bank officials.

(iii) To issue an interim order directing Respondent No.6 & 7 to conduct a preliminary inquiry and summon the action taken report from the 5th respondent in the matters of the offences as reported by the petitioner in his complaint dated 17.07.2021.

(iv) To issue an appropriate writ /direction/order, including a writ in the nature of mandamus thereby directing the Respondents to take action in the facts and circumstances of the present case.

2. Matter was heard from time to time there were certain administrative difficulties who has to redressed grievance of the petitioner insofar as alleged certain fraud stated to have been committed by the Uttar Bihar Gramin Bank-Respondent no.5 (for short 'UBGB'). It is learnt that initially local police have taken up



the matter and prima facie case they found certain irregularities alleged to have been committed by the officers of the UBGB. However, there was question arose, in such an event, matter was required to be investigated by the Central Government Organization in consultation with the NABARD / RBI / Government of India. On this issue, we have asked specific material information from NABARD. Earlier NABARD have taken a decision to the extent that there were alleged to have certain irregularities committed by the officers of the UBGB, however, in second supplementary affidavit filed on behalf of the 4th Respondent-NABARD dated 21.02.2024 by Anil Kumar, it is averred as under:-

“16. That as per para 2.1 of the said circular for classification of fraud, a banking fraud may be considered to have occurred under the following circumstances:

- a) Misappropriation and criminal breach of trust.*
- b) Fraudulent encashment through forged instruments, manipulation of books of account or through fictitious accounts conversion of property.*
- c) Unauthorized credit facilities extended for renewal or for illegal gratification.*
- d) Negligence and cash shortages.*
- e) Cheating and forgery.*
- f) Irregularities in foreign exchange transactions.*
- g) Any other type of fraud not coming under the specific heads as above.*

17. That it is humbly submitted that, as per the specific directions dated 18 January 2024 of this Hon'ble Court, the instances pointed out in the Special Audit Report were scrutinized. On scrutiny, Respondent No.



4 is satisfied with the resolution of the Board of UBGB that the guidelines of fraud are not applicable to the present matter/audit report and therefore the matter is not required to be referred to local police/CBI as per clause 9.1 and 9.2 of Respondent No. 4 circular.”

3. Taking note of the aforementioned stands of the NABARD, grievance of the petitioner in the present petition do not survive for consideration.

4. At this stage, learned counsel for the petitioner submitted that NABARD has filed two affidavits and they are contrary to each other. In such circumstances, petitioner has remedy of filing application under Section 340 of the Cr.P.C..

5. Accordingly, the present petition stands disposed of.

6. Pending IAs, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.03.2024
Transmission Date	N/A

