

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.38 of 2023

Arising Out of PS. Case No.-12 Year-2022 Thana- VIGILANCE District- Patna

Arbind Kumar Son of Late Kedar Nath Sinha R/o- Flat No. C- 201, Dream Jewel, Shaguna More, R.K.Puram, Khagaul Road, P.S.- Danapur, Distt.- Patna, Bihar

... .. Petitioner

Versus

The State of Bihar through Special Vigilance Unit Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the SVU : Mr. Rana Vikram Singh, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 30-01-2024 Heard learned counsel for the petitioner and learned counsel for the Special Vigilance Unit (SVU).

2. Petitioner in this case is seeking quashing of the First Information Report bearing Special Case No. 65 of 2021 arising out of S.V.U. P.S. Case No. 12 of 2022 dated 19.09.2022 registered under Sections 13(2) read with 13(1)(b) of the Prevention of Corruption Act, 1988 and 120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that in fact the FIR was registered was to be instituted against one Arvind Kumar, Assistant Engineer and not against the present petitioner who was working as Junior Engineer in the Bihar Rajya Pull Nirman Nigam Limited, Works Division. Learned

counsel submits that in the FIR, the detailed description of the properties standing in the name of the petitioner has not been provided but in the letter written to the Additional Chief Secretary, Road Construction Department, Government of Bihar, S.V.U. has given the description of the immovable/movable properties of the petitioner and his wife.

4. Learned counsel submits that in the given facts and circumstances of the case, the FIR in question is liable to be quashed.

5. On the other hand, Mr. Rana Vikram Singh, learned Special P.P. for the S.V.U. submits that FIR has been lodged on the basis of the source information alleging that the petitioner has earned assets disproportionate to his known sources of income by involving in illegal and corrupt means. The case is still under investigation and the petitioner has submitted Form I to VI very recently in December, 2023. The properties are under verification.

6. It is submitted that the investigation of this case would be completed within a period of four months, hence at this stage no interference is required with the FIR.

7. Having regard to the submissions noted hereinabove, this Court finds force in the submissions of the

learned Spl. P.P. for the S.V.U. In the given kind of allegations which are subject matter of investigation at present, this Court would not exercise its extraordinary power under Article 226 of the Constitution of India. The S.V.U. shall proceed with the investigation in a proper and fair manner and complete its investigation within the aforesaid period of four months from the date of communication of this order.

- 8. This writ application is disposed of accordingly.
- 9. The petitioner must cooperate in the investigation.

(Rajeev Ranjan Prasad, J)

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