

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.478 of 2024

Arising Out of PS. Case No.-18 Year-2019 Thana- VIGILANCE District- Patna

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SURAJ KUMAR SINHA SON OF LATE BADRI PRASAD R/O VILLAGE-
PATHAK CHAK, P.S.- HULLASHGANJ, DIST.- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE ADDITIONAL DIRECTOR
GENERAL, VIGILANCE INVESTIGATION BUREAU, BIHAR PATNA

... .. Opposite Party/s

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Appearance :

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

For the State (V.I.B.) : Mr. Anil Singh, Law Officer, Vigilance.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-01-2024 The present petition has been preferred by the petitioner under Section 482 Cr. P.C. challenging the order dated 6.10.2023 passed by Ld. Special Judge, Vigilance, Patna, in Special Case No. 16 of 2019 arising out of Vigilance P.S. Case No. 18 of 2019 whereby Ld. Special Judge has dismissed the discharge petition of the petitioner.

2. However, in paragraph-25 of the petition, petitioner has mentioned that all the police papers in regard to Vigilance P.S. Case No. 18 of 2019 were not supplied by the prosecution to the petitioner.

3. In view of such averment made by the petitioner in this petition, it goes without saying that application of the petitioner for discharge was moved before the Special Court



pre-mature, because only after getting all the Police papers in possession, he could have moved application for discharge in view of the totality of material against him.

4. During course of hearing of both the parties, it transpired that the petitioner has filed Criminal Writ Jurisdiction Case No. 1992 of 2023 before this Court raising the issue of non-supply of the police papers under Section 207 Cr. P.C.

5. In such circumstances, the petition of the petitioner for discharge was pre-mature and hearing the present petition would be a futile exercise. Issue of non-supply of Police papers is already on record before this Court in Criminal Writ Jurisdiction Case No. 1992 of 2023 and as per result in the Criminal Writ as mentioned above, the petitioner would have liberty to resort to legal remedy as per law.

6. Accordingly, the present petition is disposed of without expressing any opinion on merits.

(Jitendra Kumar, J)

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