

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12867 of 2025

Arising Out of PS. Case No.-47 Year-2021 Thana- VIGILANCE District- Patna

Rajesh Kumar Gupta S/o Late Bal Kumar Prasad R/o Manik Chand Road
word no 10, Farbisganj, PS- Farbisganj, District- Araria, at present Residing
at Quarter no. 3, Officers Colony, Faisalganj, P.S.- Town, Distt.- Rohtas, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Vigilance Bihar
2. The State of Bihar through Vigilance PATNA HIGH COURT
3. The State of Bihar through Vigilance Patna High Court

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Chandan Kumar, Advocate Mr. Aakash Singh, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-11-2025

Heard Mr. Bindhyachal Singh, learned Senior
counsel along with Mr. Chandan Kumar and Mr. Aakash Singh,
learned counsels appearing on behalf of the petitioner and Mr.
Arvind Kumar, learned counsel for the Vigilance.

2. The present application has been filed for quashing
of FIR arising out of Vigilance P.S. Case No.47 of 2021,
Special Case No.54 of 2021 under Sections 13(2) read with
Section 13(1)(b) of the Prevention of Corruption Act, 1988
pending before the Special Judge, Vigilance Court, Patna.

3. Mr. Bindhyachal Singh, learned Senior counsel
along with Mr. Chandan Kumar and Mr. Aakash Singh, learned



counsels appearing on behalf of the petitioner submitted that the petitioner has already been granted interim protection by this Court, *vide* order dated 27.02.2025 by which this Court has directed that no coercive action shall be taken against the petitioner till further order in connection with Vigilance P.S. Case No.47 of 2021, Special Case No.54 of 2021 pending before the Special Judge, Vigilance Court, Patna. The petitioner along with his family members are co-operating with the investigation. In spite of that in para-5 of the counter affidavit it has been stated that the the Investigating Officer in course of investigation asked the petitioner and his family members to submit “the documents regarding the legal sources of income, from which property has been acquired in their names, but till the date of filing of the counter affidavit, the petitioner and his family members have not given satisfactory evidence in that regard”. Learned Senior counsel further referring to the check period from 1996 to 2021 submitted that altogether 25 years has elapsed and not even chargesheet has been submitted, which calls for interference of this Court in light of law laid down by the Apex Court in case of *Nirankar Nath Pandey Versus State Of U.P. & Ors., Criminal Appeal No.5009 Of 2024 [Arising From Slp (Crl.) No. 10101/2024]*, learned counsel has relied



on para-10 of the aforesaid judgment is reproduced hereinafter;

“10. Further, we have considered that the check period is from the year 1996 to 2020, which is almost twenty five years. It must be taken into account that over such a long period of time, there is inflation and a natural progression in the changing economy that affects the value of assets such as property. This can understandably lead to discrepancies in declaring the value of assets over the years. Therefore, there should be a more dynamic approach while considering an individual’s income and assets over the span of two decades, such as in the present case. The notion that the declared value of an asset such as property or gold will remain static is flawed. This has to be considered while examining an individual’s assets and income while making a determination regarding disproportionate assets. Such an examination needs to reflect such adjustments and changes as is natural with the progression of time.”

4. Learned Senior counsel in above background submitted that in the present case also the check period is from the year 1996 to 2021, though rise in National Price Index has been marked and inflation has shot up. Reports of the Finance Commission and the International Organization also suggest that the value of goods is being deteriorated instead of appreciating. He submitted that such determination can be made by Investigating Officer, keeping in mind the law laid down by the Apex Court in case of **Nirankar Nath Pandey (Supra)** and as such, he don’t want to press the case on merits. Learned counsel submitted that the interim protection granted only to the petitioner. He and his family will co-operate in investigation even though the petitioner has already filed all the required



impeccable documents on 15.03.2023 before the Inspector General, Vigilance, however, he submitted that the petitioner will again file the relevant documents along with his relatives, in view of the information contained in para 5 of the counter affidavit, so that, a fair investigation can be conducted. Learned Senior counsel also submitted that long pendency of the criminal cases against the petitioner has affected his service carrier, affecting his right to be considered for promotion.

5. *Per contra*, learned counsel appearing on behalf of the Vigilance submitted that the petitioner has chosen not to co-operate with the investigation, in spite the Investigating Officer requested to submit the documents regarding the legal sources of his income from which the property he claims to have acquired in the name of the petitioner and his family members but till date, he has not been able to produce all the documents regarding the sources of his and his family members' income. He further submitted that as the petitioner has now chosen to co-operate with the Investigating Officer in course of investigation, that liberty is always with the petitioner to file all those documents, as required by the Investigating Officer.

6. At this stage, learned Senior counsel appearing on behalf of the petitioner has shown apprehension that the



petitioner may face coercive action, though *vide* order dated 27.02.2025, this Court has directed that no coercive action shall be taken against the petitioner

7. In reply, learned counsel appearing on behalf of the Vigilance submitted that till date no coercive action has been taken against the petitioner and in future also no coercive action will be taken against him subject to the condition that he must cooperate with the investigation.

8. Heard the parties.

9. This Court finds that in such circumstances the present quashing application requires no consideration on merit.

10. This court, without expressing any opinion and passing any order on merits and the basis of information and pleadings made in the quashing application and the counter affidavit filed on behalf of vigilance, this Court observes that the petitioner is required to cooperate with the Investigating Officer in course of investigation and file required documents along with his family members . At at the same time, it is also expected that the Investigating Officer is also required not to delay the investigation unnecessarily and proceed in accordance with law and in accordance with judicial pronouncements.

11. It also goes without saying that the petitioner can



avail appropriate remedy in accordance with law, as and when,
occasion so arises.

12. Accordingly, the present application is consigned
to its record.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2025
Transmission Date	07.11.2025

