

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74362 of 2024**

Arising Out of PS. Case No.-4 Year-2024 Thana- VIGILANCE District- Patna

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1. Kailash Ram Son of Doodhnath Ram Resident of 117, Chak Harihar Ban Jhunsi, Allahabad, Uttar Pradesh - 211019
  2. Syed Fazle Rahman Son of Syed Abdul Ali Resident of Flat No. G.D. Alba Enclave, Alba Colony, Phulwari Sharif, Patna - 801505

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Director General Special Vigilance Unit, Patna Bihar
2. The Addl. Director General, Special Vigilance Unit, Patna Bihar
3. Rohit Kumar Son of Santosh Kumar Suman Resident of Ward No. 3 Dhabahi, P.S. - Laukahi, District - Madhubani, Bihar - 847108

... .. Opposite Party/s

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**Appearance :**

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|--------------------------|---|--------------------------------------------|
| For the Petitioner/s     | : | Mr. Siddhartha Prasad, Advocate            |
|                          |   | Mr. Sunit Kumar, Advocate                  |
| For the Opposite Party/s | : | Mr. Arvind Kumar, Advocate                 |
| For the S.V.U.           | : | Mr. Rana Vikram Singh, Law Officer, S.V.U. |

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**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL JUDGMENT**

**Date : 12-01-2026**

Heard Mr. Siddhartha Prasad, learned Advocate  
  
appearing on behalf of the petitioners and Mr. Rana Vikram Singh,  
  
learned Advocate appearing on behalf of the Vigilance  
  
Department.

2. The instant application has been filed for quashing of  
  
the entire proceeding of the F.I.R. bearing Special Vigilance Unit  
  
Case No. 04 of 2024 dated 04.09.2024 registered for offences  
  
under Sections 318, 316(5) and 61 of the Bhartiya Nyaya Sanhita,



read with Sections 12, 13(2) and 13(1)(b) of the Prevention of Corruption Act, 1988 (as amended 2018).

3. Learned counsel for the petitioners submit that the petitioners have prayed for quashing of the FIR on the ground that the FIR does not contain any ingredients of the offences under Section 318 of BNS, Section 316(5) of BNS and Section 61 of BNS against them. It has been submitted that the FIR is based on the figment of imagination of the complainant and despite the fact that the previous complaints lodged by the present complainant, Rohit Kumar in the Governor's Secretariat, Bihar, Lok Bhawan, Patna and with the Education Department, Government of Bihar, Patna were found to be not tenable and, in fact, the then Registrar of the Lalit Narayan Mithila University, Darbhanga had informed the Governor's Secretariat at Lok Bhawan, Patna about the illegal activities of the complainant, Rohit Kumar, who was resorting to extortion and blackmailing. The Registrar had sought permission to register a case against Rohit Kumar for his criminal behaviour and in response to such request the Governor's Secretariat had authorized the University administration to file a case against Rohit Kumar before the competent authority.

4. Learned counsel for the petitioner further submits that Lalit Narayan Mithila University, Darbhanga has been singled out



and FIR has been lodged without any supporting material/evidence and, therefore, the registration of such case amounts to abuse of the process of law.

5. It has been thus prayed that in view of the fact that the allegations lack any specific details and there being no evidence to establish clear culpability for legal action against the individuals involved, the continuation of trial on basis of such FIR would amount to an abuse of the process of law.

6. Mr. Rana Vikram Singh, learned counsel appearing on behalf of Vigilance department has submitted that the present application is premature and after lodging of the FIR on 04.09.2024, the investigation in the matter is still in progress and no finding has been arrived as yet and therefore, the present application for quashing of the FIR at such an early stage is completely misconceived and may not be entertained. It has been submitted that till date the department of Vigilance has not initiated any coercive action against any of the authorities of the University and they are practically investigating the allegations levelled in the FIR and till date the requirement of the petitioner has not arrived. It has also been submitted that if the petitioners are ready to assist the investigating officer during the course of the investigation and responds to any summon in order to give a



statement or otherwise, the department of Vigilance shall not be taking any coercive action against them, if the petitioners make themselves available and support in the investigation, as and when required.

7. Having heard the learned counsels appearing on behalf of the parties, this Court finds that the present application has been filed for quashing of the FIR and the investigation of the same is still pending. This Court finds the application to be premature and at this stage passing any order prior to the culmination of the investigation would not be proper and against the orders of the Hon’ble Supreme Court.

8. In view of the above, this application is disposed of with a liberty to the petitioners to approach this Court at an appropriate stage, as advised, only after the Vigilance authorities completes the investigation and submit its report.

9. The application stands disposed of with the aforesaid observations.

**(Sourendra Pandey, J)**

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