

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4117 of 2018**

Arising Out of PS. Case No.-81 Year-2017 Thana- VIGILANCE District- Patna

Karrah Parshu Ramaiah @ K. P. Ramaiya, I.A.S. (Retd.), S/o Nariah Karrah,
R/o B-3/55, opposite Sanjay Gandhi Botanical Garden, Bailey Road, P.S.-
Shastri Nagar, District – Patna.

... .. Petitioner

Versus

The State of Bihar through Director General, Vigilance Bureau, Circular Road
Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha

For the Opposite Party/s : Mr. Arvind Kumar (L.O.,Inc.Vig.)

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER**

7. 28-08-2019 The present anticipatory bail petition has been listed under the heading “To Be Mentioned”, as per oral direction of this Court. The prayer for anticipatory bail of the present petitioner was rejected on 23-03-2018, vide Cr. Misc. No. 4117 of 2018.

2. The petitioner was an I.A.S. Officer. He had volunteered for his retirement. After knowing the fact that his request for retirement was accepted, even then, he signed two cheques for heavy amount, one for **Rs. 24,93,899/-** (Twenty four lacs ninety three thousand eight hundred & ninety nine) and another for **Rs. 2,24,76,787/-** (Two crores twenty four lacs seventy six thousand seven hundred & eighty seven). At the time of hearing his



anticipatory bail petition, those facts were noticed by this Court. It was open case of siphoning of huge public amount meant for upliftment of member of suppressed society. There was serious charge of corruption against the petitioner and considering the seriousness of the accusation, this Court by order dated 23-03-2018 had rejected the present anticipatory bail petition.

3. After rejection of his anticipatory bail petition, in the month of May, 2019, a very disturbing news was published in the newspaper namely "*Dainik Jagran*" and at page 4, the said news was there. On perusal of the news item, it was evident that the petitioner surrendered before the court below. On the date of surrender, the regular Special Judge (Vigilance) went on leave. Before the Incharge vigilance court, he (K.P.Ramaiya) surrendered and on the same date, he was granted bail by the learned incharge Vigilance Judge.

4. Ofcourse, grant of bail or refusal of bail is complete discretion of the court, but if the manner, in which, an accused is granted bail, which raises finger against the judiciary, certainly exercising supervisory power, this Court is entitled to examine as to whether the power for grant of



bail was exercised judiciously or due to some extraneous consideration. In that view of the matter, I am of the opinion that District Judge, Patna can be asked to conduct an inquiry on the point:-

(i) As to whether news published in the newspaper is correct or not.

(ii) Whether on the date of granting bail, the regular vigilance court was on leave due to genuine cause or went on leave in calculated way.

(iii) If incharge court had granted bail, then in that event, the learned District Judge, Patna will examine the record of cases disposed of by the same Judge for last six months and examine whether the said incharge Judge had exercised his discretion in the same manner or not i.e. in a case, in which, there was serious accusation of siphoning off the huge public amount and even after rejection of anticipatory bail by the High Court, an accused did not appear for several months, the concerned incharge Judge has extended



the privilege of bail in the similar manner or not.

(iv) The learned District Judge will also inquire the reason for going on leave by the learned Special Judge (Vigilance) on the date when the petitioner was going to surrender and requesting for grant of bail and whether the District Judge was intimated one day prior to going on leave or on the same date, he had filed application for leave.

5. The District Judge is directed to conduct a detailed inquiry and submit report within a period of four weeks from today.

6. In normal course, I would not have passed such order, but since last few years, this Court is taking notice of the fact that in Patna Judgeship, things are not going in its right perspective. It is evident that in the year 2017, a private new channel i.e. Republic T.V. titled "**Cash for Justice**" had shown its sting operation programme on Television, which was reflective of the fact that in court premises of the Patna Civil Court, demanding and accepting



illegal gratification was rampant. In normal course, after noticing such publication, this High Court was required to take judicial notice of the fact and directed for initiation of criminal case to ascertain as to whether the news shown on the T.V. was correct or not and also to ascertain whether the persons, who were shown in the T.V., were employees or taught running around the court premises. In any event, the High Court was duty-bound to register an F.I.R. and get the matter investigated by an independent investigating agency. Unfortunately, no such action was taken by this Court. Ofcourse, orally, I, being a Judge of this Court, had shared this fact among the Judges, particularly the then Chief Justice to take some action, however nothing was done.

7. Recently, a complaint was received on administrative side, which was sent by an advocate namely Mr. Dinesh. The said complaint was referred to the District Judge for conducting an inquiry and submit its report. Subsequently, the District Judge submitted its report and matter was placed in the Standing Committee. On perusal of the report, being a Member of the Standing Committee, I requested the Committee to at least watch the said programme. Thereafter, all the members of the Standing



Committee, except Justice Vikash Jain, watched the programme, which was shown through You Tube. After noticing the said programme, I was shocked, perturbed and very much agitated and requested the Hon'ble Chief Justice that it is high time and F.I.R. may be filed without any further delay. Subsequently, the proceeding was placed before me for signature. It was Agenda No. 23 in the S.C. meeting dated 14th May, 2019. In that proceeding, complaint filed by learned Advocate Sri Dinesh was also examined, which was at page 347 to 353 of the Standing Committee paper book. The contents of the petition is reproduced hereinbelow:-

“To
The Hon'ble Chief Justice
Patna High Court.

Sub:- A request to take action against the judicial and other staff of the District Court at Patna whose acts of omission and commission were exposed by the Republic TV sting in November 2017.

Sir,

In November last year, Republic TV, a private news channel, broadcast a news item titled **Cash for Justice** on 15.11.2017. Over the next few days, the details of the sting operation (in which court staff were caught on videotape demanding and accepting money from litigant and indulging in act that amounted to sale and purchase of judicial orders) were broadcast/published on/in electronic and print media.

The newspaper reported that 16 court employees had been suspended after the sting



operation following the intervention of the Hon'ble High Court.

Sir, the videotape indicting these staff and their judicial masters (including Mr. R.N. Tripathi, who was the special judge in charge of the special Excise and Prohibition Court at the relevant time) is available on the net. The tapes present a very shocking shameful and anti-public face of the judiciary.

Sting operations are frequently carried out by the news channels. Political figures, constitutional functionaries, bureaucrats and policemen who are exposed in the sting are made to lose their positions, prestige and peace of mind. The first sting operation in India by a private news channel, namely *Tehalka*, had led to the resignation of the then Defence Minister Shri George Fernandes even though he was not at all culpable as per the contents of the sting operation.

The sting operation in your district court (Patna), however, has invited hardly any action except the suspension of some of the employees. The same sting operation carried out in the office of a Collector, Commissioner, Income Tax Officer or Police Officer would have led to both criminal prosecution of the staff and disciplinary action against them.

The very fact that your employees (caught red-handed in the Republic TV sting) have faced neither criminal prosecution nor exemplary disciplinary action for almost a year is shocking and outrageous from a public point of view. The courts, after all, are public institutions; they are funded by the taxpaying public of the country. Those who run the courts are accountable to the public for any wrongdoing that happens in the courts.

The judiciary, which is otherwise known to be very firm and ruthless in dealing with corruption in other organs of state (the Executive and the Legislature), has left the billion-plus people of India in a state of disbelief and shock through its silence on the sting in Patna District Court.

Mr. R. N. Tripathi, in whose court most of the bribery, including sale and purchase of judicial orders was exposed, is presently serving as ADJ-I, Patna. He is also in charge of the POCSO Court.

Bribery in a courthouse is an horrendous and



outrageous as rape of orphans in a shelter house. Defalcation of funds meant for fodder by politicians and bureaucrats is a criminal offence. Similarly, sale and purchase of judicial orders is a crime punishable under the provisions of the Prevention of Corruption Act.

In the facts of the case, I would request you, in your capacity as the guardian of the state judiciary, to order a C.B.I. investigation in this entire episode and direct the C.B.I. to specifically investigate the role of the concerned judges and the Class-III and Class-IV staff in the bribery in the District Court at Patna as shown in the videotapes. I would further request you to take exemplary action on the administrative side against all the concerned judicial and other staff found guilty.

I shall be grateful for your urgent intervention in the matter.

Yours sincerely

(Dinesh)

Advocate

S/o A.P. Singh

Resident of Old Lal Kothi,

Alkapuri More,

P.S. – Gardanibagh

Patna-800002

Mob.No. 7677671606

Affidavit

I, Dinesh, Advocate aged about 45 year, Son of A.P. Singh, Resident of Old Lal Kothi, Alkapuri More, P.S.- Gandanibagh, District – Patna, Permanent resident of Kurthaul Rajputana, P.S.-Parsa Bazar, District – Patna do hereby solemnly affirm and state as follows:-

1. That the statements made herein are true to my knowledge and belief and I have suppressed no relevant information.
2. That I have no personal interest in the matter, nor have I made any assertion with any ulterior motive.
3. That I stand by everything stated hereinabove.”



8. After my observation, the proceeding/minutes was put before me for signature. I noticed that a decision was virtually taken for awaiting for the final report from the District Judge, which was indicative of the fact that number of employees involved in the case were put under-suspension and against them, departmental proceeding was going on. I recorded my descending notes and stated "We had seen the CCTV report, in which, it was evident that in court premises, illegal gratification was being demanded and accepted showing serious cognizable offence. Accordingly, in respect of agenda no. 23, I am of the opinion that F.I.R. may be lodged without any further delay."

9. On the next meeting, while the proceeding was placed for its confirmation before the Standing Committee, I felt, as if, I had committed serious mistake. Hon'ble the Chief Justice firstly said that it was not CCTV footage, rather it was video footage uploaded on You-Tube. It was true that it was my mistake that instead of mentioning video footage, I mentioned it as CCTV footage. Again, the Standing Committee approved the earlier agenda, which was in respect of awaiting the report from the District Judge, but after watching the news item on Republic T.V. channel,



which was shown through video recording, I am of the opinion that further delay in lodging F.I.R. will ensure disappearance of evidences and as such, on judicial side, direction can be given for fair and thorough investigation by an independent agency.

10. Accordingly, I direct the Central Bureau of Investigation through its Director to conduct an inquiry into entire episode relating to corruption in the premises of the Patna Civil Court shown in news published through Republic T.V. channel and lodge regular case i.e. FIR. While conducting inquiry or investigation, the C.B.I. will be at liberty to examine everything including patronage, if any. The Director, C.B.I. is directed to get the case supervised or investigated by an officer not less than the rank of Joint Director. It is clarified that Joint Director, who is not incharge of Patna zone, shall only conduct inquiry or investigation.

11. Let a copy of this order be communicated to the Director, Central Bureau of Investigation. The Registrar General is directed to provide all the relevant papers as and when required by the Central Bureau of Investigation.

12. In the year 1995, while I was appointed as Standing Counsel for C.B.I., during holiday period, petition of



some coal mafia was served in my residential chamber and I was told that the learned Advocate had already discussed with the then senior-most Judge. He requested to only accompany him to the residence of the said Judge. I reacted, then returned back the file. On the next day, one clerk of a senior Advocate approached me and said that being C.B.I. counsel I must receive the petition. I was not having any option, but I requested him that receipt would be given after one or two hours, then he returned back. There were three anticipatory bail petitions. It was mentioned in the notice that at 11:00 AM in the residential chamber of particular Judge, bail petition will be moved. I was completely perturbed. Immediately I rushed to some senior Judges of the Patna High Court i.e. Hon'ble Mr. Justice B.N.Agrawal (as he then was), Hon'ble Mr. Justice Nagendra Rai, Hon'ble Mr. Justice S.N.Jha, Hon'ble Mr. Justice Shashank Kumar Singh and Hon'ble Mr. Justice R.N. Prasad (as their lordships then were). At the resident of Hon'ble Mr. Justice S. N. Jha, in presence of those Judges, I orally complained, and I wanted to know as to any Judge can hear a petition or not at his residence. All those Judges were also disturbed and asked me to go and oppose and say that the bail petition cannot be



entertained at Patna High Court, since the F.I.R. was lodged at Dhanbad and C.B.I. was investigating the case. At 11:00 AM, I visited the residential chamber of the Judge, who was senior most Judge on the date of said holiday, since Hon'ble Mr. Justice D.P. Wadhwa (the then Chief Justice) was out of country. Ofcourse, I failed to get those anticipatory bail petitions dismissed, but succeeded to some extent that those anticipatory bail petitioners were transferred to Patna High Court Ranchi Bench, Ranchi. The said judge was none else but a senior Judge from Allahabad High Court. This happened in the year 1995. Again, it is known to everyone that one senior Judge from the Allahabad High Court during Fodder Scam period had got his wife nominated, as Rajya Sabha Member. This was not the end. Again, there was a Judge from Allahabad High Court, who granted bail to an accused, whose record of bail petition was lying in the Chamber of Hon'ble Mr. Justice Akhilesh Chandra (as he then was), who was hearing his bail petition. So, corruption in this High Court is open secret.

13. On 25th December, 2009, I had taken oath as Additional Judge of the Patna High Court and in oath, I had stated that:



“ I, having been appointed Judge of the High Court of Judicature at Patna, do swear in the name of God that I will bear true faith and allegiance to the Constitution of Indian as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and Judgement perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.”

14. I am of the view that since I had taken oath to do justice and if I fail to take any action to such corruption, I may not justify myself.

15. I am of the opinion that only to save the respect of judiciary, we must not put curtain to those corruptions, otherwise faith of entire society will be finished in the judicial system.

16. On judicial side, I have gone through number of records of Criminal Appeals (Division Bench), in which, judgements were reserved some time in the year 2017 and in some cases, judgements were reserved in the year 2018



by a Division Bench of Patna High Court presided by a senior Judge of the Patna High Court, who was subsequently transferred outside Patna High Court. Despite reserving the judgment, without delivering the judgment, he left Patna High Court.

17. This is on record that one of the Judicial Magistrate on record had made a complaint against one Sri Ram Kandey Singh, who was member of the inspecting team, and was collecting money in the Barh Sub-divisional court under Patna Judgeship.

18. Ofcourse, being a Judge, there are many restrictions, but fact remains that the Judges, besides administering justice, are enjoying certain privileges also. It has been noticed that instead of discharging duty, we are more indulged in enjoying privileges. It is open fact that the Judges' bungalows were allotted to number of Judges some time in the year 2017-2018, but actual possession was taken much belatedly. In the meanwhile, at least one newly appointed Judge was constrained to remain in High Court Judges' Guest House for several months. After allotment of Judges bungalow, more than several lacs public fund in each bungalow appears to have been spent in the name of its



renovation. Bungalow no. 9, Circular Road, Patna was allotted in the year 2016, but occupation was taken in the month of September, 2018. Similarly, Bungalow no. 14, Bailey Road, Patna was allotted in the month of February, 2017 and occupation was taken belatedly in the year 2018. There is one bungalow i.e. 3, Anne Marg, Patna, which was allotted in the month of February, 2016 occupied in the year 2017, however; only few days later, it was vacated . It is not only an allotment, but huge expenditure was incurred on renovation of such building. In respect of Bungalow no. 17, Bailey Road, it appears that for its renovation/some construction, approaching about crore of public fund was spent.

19. It is also open fact that wards of Judges are practising in Patna High Court. Ward of one of Judge, even during short period of his profession, has taken classes in Bihar Judicial Academy and got honorarium.

20. There are instances of protecting corrupt judicial officers. At least in one case, relating to one Additional Sessions Judge namely Sri K. P. Singh, who was posted at Patna, against whom, there were serious allegations and indictment against him in judicial side. In the



same matter, he was proceeded departmentally. One of the High Court Judge was Inquiry Officer. During inquiry, out of two serious charges, one charge was proved and show cause notice was issued on the point of quantum of punishment. After filing reply of the second show cause, while matter was placed before the Standing Committee for taking decision on the point of punishment for serious charge, one of the senior Member of the Standing Committee stood as a "Rock" to protect him, however; the said Agenda was deferred and on the next meeting, due to some urgent work, I was out of station and in my absence, the Standing Committee took a decision to impose a minor punishment i.e. "stoppage of one increment with cumulative effect". Immediately, in the next meeting, while proceeding was put for confirmation, I filed an objection before Hon'ble the Chief Justice that in such cases after proof of such charge, there was only one punishment that was dismissal from service, so matter may be referred to the Full Court, however; by majority, my view was over-ruled. Meaning thereby that such corrupt officer was allowed to go with minor punishment in a case, in which, there was no reason to pass a different order than to pass order of dismissal. For example, I have seen service



record of four such Judicial Officers to the rank of Additional District Judge, against whom, there were several complaints of demanding illegal gratification in the judicial matters. Those are:

(i) Sri K.P.Singh, the then Addl. District Judge, Patna (presently Addl. District Judge, Kishanganj), against whom eleven allegation petitions were filed and disposed of, finally he was given only one minor punishment in a departmental proceeding relating to serious charge,

(ii) Sri Manoj Kumar Singh, A.D.J.-III, Muzaffarpur (put under-suspension and departmental proceeding under contemplation), against whom, twenty one allegation petitions were filed, in which, twenty petitions were disposed of and in one allegation petition, he has been put under suspension and departmental proceeding is under contemplation,

(iii) Sri Deepak Kumar Singh, the then A.D.J., Bagaha (put under suspension and



departmental proceeding is going on), against whom, earlier fifteen allegation petitions were filed, which were disposed of, but subsequently he was suspended and departmental proceeding was initiated against him, which is pending, and

(iv) Sri Tribhuvan Nath, the then A.D.J., Danapur (presently A.D.J., Sheohar), against whom eighteen allegation petitions were filed and disposed of.

21. On such complaint, had they been in other service, there was every possibility of lodging F.I.R., but several complaints were consigned. An inference can be drawn that those officers were having protection from the High Court. If after noticing all those facts, only I become an expectator, certainly I can never forgive me.

22. In the month of April, 2019, I had noticed a news item, which reflected that seven Advocates of one batch of 1986, who had passed from Patna Law College, were elevated as Judge of Patna High Court. I am just putting a question to myself, whether it is a chance or co-incidence or something else. It was talk in the High Court that out of



those seven Judges, case of one Judge was earlier considered by Collegium of Hon'ble Supreme Court for his transfer. After my elevation as Judge, I started to notice that senior Judges were buttering Chief Justice. Initially, I thought why such action was shown by the senior Judges, but after some time, I could gather that such actions were being taken to get their favourite or caste man elevated as a Judge or do some favour to corrupt judicial officers. It appears that earlier, there was a policy decision that after elevation, number of Judges were being transferred out of Parent High Court, but subsequently, same has been stopped. I am of the opinion that Hon'ble Supreme Court may take appropriate step so that old procedure may be re-introduced.

23. The Registry is directed to communicate this order to Hon'ble the Chief Justice of India and its Hon'ble Collegiums Judges. The Registry is also directed to send a copy of this order to P.M.O. and also to Law Ministry, Govt. of India.

24. List this matter again after receipt of the report from the learned District Judge, Patna on 16-10-2019 under the same heading i.e. under the heading "To Be Mentioned".

25. Newspaper i.e. Dainik Jagran containing the



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news relating to grant of bail is directed to be kept on record.

BENCH

(Rakesh Kumar, J.)

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