

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53270 of 2023

Arising out of PS. Case No.-389 Year-2020 Thana- BUXAR District- Buxar

Ratneshwar Kumar S/o Late Shiv Janam Ram R/o Village- Baruna, Basuna, Basudhar, P.O. And P.S.- Buxar, District- Buxar. At present Dismissed Data Entry Operator (GRADE-A, Buxar Treasury, Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Buxar Bihar
3. The Additional Collector, Buxar Bihar
4. The Superintendent Of Police, (VIGILANCE), Bihar, Patna Bihar
5. The Deputy Superintendent Of Police (VIGILANCE), Bihar, Patna Bihar
6. The S.H.O. Town Police Station, Buxar Bihar
7. The Senior Treasury Officer, Buxar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhash Ad., Advocate
For the State	:	Mr. Jai Narain Thakur, SPP (Vigilance)

CORAM: HONOURABLE MR. JUSTICE ANSUL
CAV JUDGMENT

Date : 24-06-2026

Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner seeks quashing of the FIR registered as Buxar (Town) PS Case No. 389 of 2020 dated 05.09.2020 and the entire proceedings of Special Case No. 22 of 2020 pending before the learned Special Judge, Vigilance, Patna, both arising out of alleged offences under Sections 7, 8 and 9 of the Prevention of Corruption Act, 1988.



3. The petitioner, Ratneshwar Kumar, was a Data Entry Operator (Grade-A) at the Buxar Treasury and has been dismissed from service. On 22.07.2020, one Saryu Ojha, a pensioner, visited the Treasury and was paid his pension on the same day. This appears to be the event at the heart of this prosecution, though what is curious is that the FIR was not registered on that date, nor was any complaint made anywhere near that date. A video surfaced on social media on 28.08.2020, more than a month later of the said occurrence, purporting to show the petitioner receiving money from Saryu Ojha. The District Magistrate, Buxar, upon noticing the video, directed the Additional Collector to hold an enquiry. The Additional Collector returned a finding against the petitioner vide letter No. 10-3228 dated 04.09.2020 and recommended registration of a case. Accordingly, the Senior Treasury Officer, Ajmal Ali Ansari, addressed a written complaint vide letter No. 180438 dated 05.09.2020 to the SHO, Town Police Station, Buxar, and the present Buxar (Town) PS Case No. 389 of 2020 came to be registered under Sections 7, 8 and 9 of the Prevention of Corruption Act, 1988. Investigation was entrusted to CI Mukesh Kumar Shree.

4. Having considered the FIR, which is on record as Annexure-1, the Court finds that no specific demand is mentioned



therein, no occasion of acceptance is identified, no sum is described as a bribe, and no time or place where illegal gratification is said to have changed hands finds mention. The date of occurrence is recorded as 28.08.2020, being the date the video went viral, and not the date the pension was paid. The complainant, Ajmal Ali Ansari, was the petitioner's superior officer at the Treasury and was plainly not present at the place of occurrence, where the alleged transaction between Ratneshwar Kumar and Saryu Ojhais said to have taken place. Sections 7, 8 and 9 of the Prevention of Corruption Act, 1988 require, at their very threshold, proof of acceptance or obtaining of undue advantage and such undue advantage must pass from an identifiable person to a public servant. Here, the only person from whom it is alleged to have passed is Saryu Ojha himself.

5. It is in the context of that statutory requirement that the investigative record becomes fatal to the prosecution. Saryu Ojha's statement was recorded during investigation. The Court has considered that statement. Saryu Ojha, the alleged source of the bribe, the man whose visit to the Treasury on 22.07.2020 gave rise to this entire case, has stated that he has no recollection of having paid any illegal gratification to the petitioner. Without his testimony implicating the petitioner, the essential ingredient of the



offences alleged simply does not arise. The case against the petitioner begins and ends with Saryu Ojha. His statement does not support it.

6. Ujjawal Ojha, who is the grandson of Saryu Ojha and the person who made and spread the video, gave a written statement before the Police Inspector, Town Anchal, Buxar. In that statement, as appears from the record, he stated that his grandfather had given a total of Rs. 8,000/-, out of which Rs. 500/- was given to the petitioner towards petrol and vehicle hire charges, and that no illegal gratification was paid to Ratneshwar Kumar. He further stated that the video was made due to a misunderstanding. Shrikant Ojha and Ramakant Ojha, both sons of Saryu Ojha, also stated to the police that their father had given no illegal gratification and that whatever money passed hands was on account of transport expenses.

7. In the considered opinion of this Court, there is not even one person with direct knowledge of the events of 22.07.2020 who has supported the case that any bribe was paid. The prosecution rests entirely on a video, and the maker of that video has retracted.

8. The Supreme Court in *State of Haryana v. Bhajan Lal*, 1992 Supp. (1) SCC 335 laid down the categories of cases in



which the inherent jurisdiction under Section 482 of the Code of Criminal Procedure may be exercised, and two of those categories are squarely attracted here. One is where the uncontroverted allegations in the FIR and the evidence collected in support thereof do not disclose the commission of any offence and do not make out a case against the accused. The other is where continuation of the proceeding would amount to abuse of the process of the Court. The Supreme Court in ***Manoj Kumar Sharma v. State of Chhattisgarh, (2016) 9 SCC 1*** held at paragraph 36 that “*the allegations made in the FIR are inherently improbable and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the appellants herein.*” Having regard to the state of the evidence, this Court is of the view that the same position obtains in the present case.

9. Apart from the merits, there is the independent question of the delay in investigation. The FIR was registered on 05.09.2020. Today is 23.06.2026, which makes it five years and ten months. The pen drive which carries the viral video, the sole piece of material evidence in this entire prosecution, has not been sent for Forensic Science Laboratory examination. No chargesheet has been filed. No charge has been framed before the learned



Special Judge till date. The order dated 12.05.2023 passed by the learned Special Judge, Vigilance, Patna in Special Case No. 22 of 2020, which is Annexure-2 of the petition, reflects that even nearly three years after registration of the FIR, the final form had not been submitted. When the matter was taken up before this Court on the last date, the SDPO appeared and disclosed that the pen drive had been acquired, however no explanation was offered for the delay of five years and ten months of an inactive investigation.

10. In the opinion of this Court, the right to speedy trial in a criminal prosecution is not confined to the proceedings in court. It also encompasses the preceding police investigation as fully as it does the trial. This Court, in a Full Bench decision in *Madheshwardhari Singh v. State of Bihar, AIR 1986 Patna 324*, answered this question directly. Having considered the question whether the right to a speedy public trial is applicable only to the proceedings in court *stricto sensu* or includes within its sweep the preceding police investigations as well, the Full Bench held at paragraph 27 and paragraph 50, that :-

“27. ... it is held that the right to speedy public trial is applicable not only to the actual proceedings in Court but includes within its sweep the preceding police investigation in a criminal prosecution as well.

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50. *A sharp note of caution must be sounded. The aforesaid finding must not be misunderstood or misconstrued to mean that a delay of less than seven years would not in any case amount to prejudice. Indeed, what is sought to be laid down is the extreme outer limit whereafter grave prejudice to the accused must be presumed and the infraction of the constitutional right would be plainly established. Really, I am somewhat hesitant in spelling out even the aforesaid outer time limit which, perhaps, errs on the side of strictitude. But since we are following binding precedent, the same has to be unreservedly accepted. Nor is it sought to be laid down that in a lesser period than seven years an accused person would not be able to establish circumstances pointing to the patent prejudice which may entitle him to invoke the guarantee of speedy public trial under Art. 21. That is a question which can be properly considered and adjudicated where it may expressly arise. In both the cases before us the delay is admittedly even far beyond the outer limit of seven years. What indeed is sought to be laid down here is that beyond this period of seven years the continuation of the investigation and trial would bring in the weightiest presumption that the enshrined right of speedy public trial is violated and the prosecution should be halted in its tracks. This would per se be indicative of prejudice. Thereafter the burden would automatically shift heavily on to the shoulders of the State to show that such grave delay was either entirely the handiwork of the accused himself or was occasioned by such special and exceptional circumstances so as to merit condonation thereof. A criminal prosecution by the State cannot be allowed to become an inquisitorial persecution of the accused. Nor can, a fair speedy trial be allowed to become an unending travail for him.*

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52. ... it is held that an outer time limit to concretise the right to speedy public trial is envisioned both by principle and precedent. It is further held that a callous and inordinately prolonged delay of seven years or more (which does not arise from the default of the accused or is otherwise not occasioned by any extraordinary or exceptional reason) in investigation and original trial for offences other than capital ones plainly violate the constitutional guarantee of a speedy public trial under Art. 21.”

11. The constitutional foundation underlying this position was laid by the Supreme Court in ***Maneka Gandhi v. Union of India, (1978) 1 SCC 248***, which held that the procedure under Article 21 must be reasonable, fair and just, and that a procedure which is not so is void. Building on that, the Hon’ble Supreme Court in ***Hussainara Khatoon v. Home Secretary, State of Bihar, (1980) 1 SCC 81*** held that “no procedure which does not ensure a reasonably quick trial can be regarded as ‘reasonable, fair or just’ and it would fall foul of Article 21” and that “the State cannot be permitted to deny the constitutional right of speedy trial to the accused on the ground that the State has no adequate financial resources.” The Constitution Bench in ***Abdul Rehman Antulay v. R.S. Nayak, (1992) 1 SCC 225*** crystallised this into a set of propositions at paragraph 86, the governing ones being that the right to speedy trial flows from Article 21 and encompasses all



stages including investigation, and that ordinarily where this right is found to have been infringed the charges shall be quashed.

12. Applying these principles to a corruption matter arising from this State, the Hon'ble Supreme Court in ***Mahendra Lal Das v. State of Bihar, (2002) 1 SCC 149*** held at paragraphs 7 to 9 that “*cases relating to corruption are to be dealt with swiftly, promptly and without delay*” and that while interference at the investigation stage is ordinarily not called for, “*it is equally true that the investigating agency cannot be given the latitude of protracting the conclusion of the investigation without any limit of time.*” Similarly, In ***Ramanand Chaudhary v. State of Bihar, (2002) 1 SCC 153***, the Supreme Court quashed prosecution in a corruption matter from this State after finding that following an initial raid no action was taken for six years and that the prosecution, which had dragged on for thirteen years in all, had become a travesty of justice. In ***Vakil Prasad Singh v. State of Bihar, (2009) 3 SCC 355***, which concerned a matter from this State where investigation had proceeded fitfully over seventeen years, the Court reiterated at paragraph 25 that where the right to speedy trial is infringed the charges may be quashed. Most recently, the Hon'ble Supreme Court in ***Robert Lalchungnunga Chongthu v. State of Bihar, 2025 INSC 1339***, decided on



20.11.2025, held that “*investigation is covered under the right to speedy trial and violation of this right can strike at the root of the investigation itself, leading it to be quashed.*”

13. This Court has not overlooked the position taken in *Superintendent of Police, Karnataka Lokayukta v. B. Srinivas, (2008) 8 SCC 580* that mere delay in investigation does not by itself furnish universal ground for quashing and that each case must be evaluated on its own facts. That is precisely what has been done here. The present order does not rest on the ground of delay alone. It rests with equal force on the merits of the case as disclosed by the material collected during investigation, which does not make out any offence under Sections 7, 8 and 9 of the Prevention of Corruption Act, 1988 against the petitioner.

14. The delay in this case is entirely attributable to the investigating agency. The petitioner has not caused it, has not absconded and has been present. Nothing has been placed before this Court to show any extraordinary or exceptional reason for five years and ten months of inaction. The burden which the Full Bench of this Court laid down in *Madheshwardhari Singh(supra)* has not been discharged by the State in any measure.

15. In the result, this petition is allowed. The FIR registered as Buxar (Town) PS Case No. 389 of 2020 dated



05.09.2020 under Sections 7, 8 and 9 of the Prevention of Corruption Act, 1988 at Town Police Station, Buxar, and all proceedings of Special Case No. 22 of 2020 pending before the learned Special Judge, Vigilance, Patna, are hereby quashed.

16. Petition disposed of.

(Ansul, J)

Vikash/-

AFR/NAFR	
CAV DATE	23.06.2026
Uploading Date	
Transmission Date	

