

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8063 of 2021**

Arising Out of PS. Case No.-1761 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

PRAMOD KUMAR SAINI Son of Ram Lakhan Prasad Saini Resident of Village/Mohalla-Tripolia Pathri Ghat, Pipaltal, Police Station-Alamganj (Gulzarbagh), District-Patna, at present resident of village-Durgapur Tola Badayi Paswan, Police Station-Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naresh Kumar Das Son of Sri Panchanand Das Resident of Village-Jamalpur, P.S.- Bihpur, District- Bhagalpur.
3. R.B.I., Through In-charge of Patna, R.B.I. Patna.
4. The Directorte of Institutional Finance, Through its Secretary, Govt. of Bihar. Bihar
5. S. E. B.I., Patna. Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3536 of 2021

Arising Out of PS. Case No.-1761 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

PARAS NATH SHARMA SON OF MAHADEO SHARMA RESIDENT OF VILLAGE- YADUUVANSHNAGAR CHAS, P.S- CHAS AND DISTT- BOKARO, JHARKHAND

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. NARESH KUMAR DAS SON OF SRI PANCHANAND DAS RESIDENT OF VILLAGE- JAMALPUR, P.S- BIHPUR, DISTT- BHAGALPUR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33151 of 2021

Arising Out of PS. Case No.-63 Year-2019 Thana- PATNA COMPLAINT CASE District- Patna

INDRANI JAISWAL W/o Dilip Kumar Diwakar Resident of Meena Niketan, Vijay Nagar, P.S.- Town, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For Sahara : Mr. Y.V. Giri, Sr. Advocate



Mr. Naresh Dixit
Mr. U.P. Singh, Sr. Advocate
Mr. Kundan Kumar
Mr. Ashok Kumar Jha
Mr. Mansih Kumar
For the SEBI : Mr. Lalit Kishore, Senior Advocate
Mr. Pradeep Kumar
For the State : Mr. Ajay, G.A.-5
Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

18 13-05-2022 Heard the parties.

Mr. V.Y. Giri, learned Senior Advocate assisted by Mr. Naresh Dixit, Advocate, have again filed an interlocutory application which has been affidavited today, but the same could not be numbered. The original interlocutory application has been taken on record.

The office is directed to number it and attach it with the records.

Learned Senior Counsel at the very beginning prays for and is permitted to delete paragraph No. 1, 3, 4, 5 and 6 of the aforesaid interlocutory application. Learned Senior Counsel has again made submissions for exemption of Mr. Subrata Roy Sahara from his personal appearance on medical grounds. This prayer for exemption of Mr. Subrata Roy Sahara has been earlier rejected twice on 06.05.2022 and 12.05.2022.

Considered the certificates granted in favour of the petitioner, the Kokilaben Dhirubhai Ambani Hospital and



Medical Research Institute dated 3rd of May, 2022 which has not mentioned the date of surgery. The certificate of Sahara Hospital which is a hospital owned and controlled by Mr. Subrata Roy Sahara is also ambiguous and if this kind of certificate is accepted, no senior citizen in the country will appear before any Court. It was never the intention of the Court to coerce the petitioner to appear in this Court. The intention of the Court was and is the refund of the hardearned money of the general public at large particularly of the State of Bihar. For this purpose, this Court passed the order of personal appearance of Mr. Subrata Roy Sahara and thereafter rejected, the prayer for exemption from personal appearance of Mr. Subrata Roy Sahara.

It seems that Mr. Subrata Roy Sahara has been advised to challenge the jurisdiction of this Court in passing this order. The Court is very clear that as a Constitutional Court it has all the powers 'to do complete justice' as has been held by the Apex Court in the case of *B.C. Chaturvedi Vs. Union of India* [AIR 11996 (SC) 484]. Order of this Court is in the interest of justice particularly in the present case where the companies headed by Mr. Subrata Roy Sahara who being the Chairman of the Sahara Group has siphoned off crores of rupees from the citizens of the State of Bihar.



It seems that Mr. Subrata Roy Sahara has no respect for the orders of this Court and he thinks that he is above this Court. Despite various chances given to Mr. Subrata Roy Sahara, he has failed to appear before this Court.

This Court has no option, but to order the authorities to produce Mr. Subrata Roy Sahara physically in this Court on 16th of May, 2022 (Monday) at 10:30 A.M and the interlocutory application dated 13.05.2022 is hereby rejected.

The Director General of Police, Bihar, is directed to produce Mr. Subrata Roy Sahara in this Court on 16.05.2022 at 10:30 A.M. (Monday). The Commissioner of Police, Delhi and the Director General of Police, Uttar Pradesh will co-operate with the Director General of Police, Bihar in this matter.

The office is directed to communicate this order forthwith to the Director General of Police, Bihar, Commissioner of Police, Delhi and Director General of Police, Uttar Pradesh for compliance of this order.

Put up this case on 16.05.2022 at 10:30 A.M. (Monday) for further hearing.

(Sandeep Kumar, J)

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