

ITEM NO.7

COURT NO.2

SECTION XVI

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s).24978/2018

(Arising out of impugned final judgment and order dated 23-08-2018 in CWJC No. 12845/2018 passed by the High Court of Judicature at Patna)

NIVEDITA JHA

Petitioner(s)

VERSUS

THE STATE OF BIHAR &amp; ORS.

Respondent(s)

Date : 28-11-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Ms. Aparna Bhat, Adv. (A.C.)  
Ms. Shivanhi Singh, Adv.  
Mr. Tipoo Ningombam, Adv.

For Petitioner(s) Mr. Shekhar Naphade, Sr. Adv  
Ms. Fauzia Shakil, AOR  
Mr. Abhikalp Pratap Singh, Adv.  
Mr. Prateek Rusia, Adv.

For Respondent(s) Mr. Gopal Singh, Adv.  
State Mr. Manish Kumar, Adv.

CBI Mr. K. Raghavacharyulu, Special PP  
Mr. Kailash Pandey, Adv.  
Ms. Nupur Sharma, Adv.  
Ms. Arunima Pal, Adv.  
Mr. Ranjeet Singh, Adv.  
Mr. J.K. Mishra, Adv.

IBF Mr. Abhishek Malhotra, Adv.  
Ms. Niyati Asthana, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We have heard learned Standing Counsel for the State of Bihar.

Yesterday, we had adjourned the matter for today to enable learned Special Public Prosecutor for the CBI to look into the allegations made in the Report given by Tata Institute of Social Sciences (TISS) and to inform us whether it is possible for CBI to look into the entire gamut of allegations that have been made in the Report. We had requested learned Special Public Prosecutor to take instructions in view of the fact that after hearing learned Standing Counsel for the State of Bihar yesterday, we were of the view that the State Police was not doing its job as expected.

Today, learned Standing Counsel for the State of Bihar has placed before us a communication given by the Inspector General of Police (Provision), Patna, Bihar to learned Standing Counsel. The communication is dated 27<sup>th</sup> November, 2018.

We have gone through the communication and we are not at all satisfied with the contents of the communication, and, therefore, take no notice of it. That apart, since it is a letter addressed to learned Standing Counsel for the State of Bihar, we are not obliged to take notice of that communication and, therefore, return it to learned Standing Counsel.

Learned Special Public Prosecutor for CBI has taken instructions from Mr. M. Nageshwar Rao, Director, In-Charge of the CBI and he has informed us in Court that, in principle, the CBI has no objection in investigating all the cases mentioned in the category of "Grave Concerns" by TISS in its Report. The "Grave Concerns" expressed by TISS relate to 17 Homes.

With regard to the Girls' Children Home in Muzaffarpur run by Sewa Sankalp Evam Vikas Samiti, the matter is already seized of by the CBI which is investigating into the offences alleged to have been committed.

The remaining instances mentioned in the Chapter with the Heading "Grave Concern" in the Report of TISS should also be looked into by the CBI. We direct accordingly. It is made clear that henceforth all the "Grave Concerns" cases will be investigated only by the CBI.

We also make it clear that the officers of the CBI who will be looking into these allegations and conducting investigations will not be transferred without the leave of this Court.

It is submitted by learned Special Public Prosecutor, on instructions, that since the scope of the inquiry and investigations is being expanded, the existing team will also need to be enlarged. We grant permission to the Director, In-charge of the CBI, to expand the team but we make it absolutely clear that Mr. A.K. Sharma, Additional

Director, In-Charge of the investigations will continue to remain the In-charge of the investigations and the expanded team including the new members will report to him directly.

Any request made by the CBI to the State Government for assistance should be promptly dealt with and acceded to. We have made this clear to the Chief Secretary of the State of Bihar, who is present in Court, and he is aware of these proceedings.

Needless to say, the CBI can take the assistance of the experts whom they have already consulted.

The CBI should file a status report as on 31<sup>st</sup> January, 2019.

In the meanwhile, the matter be listed for further direction on 12<sup>th</sup> December, 2018.

The Chief Secretary of the State of Bihar need not remain present on the next date of hearing.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR