

INDEX

Sl. No.	Particulars of documents	Page No.
1.	<u>I.A. NO. OF 2020</u> Application for direction along with Affidavit	01-19
2.	Annexure A - I Order dated 25.10.2018 passed by the Hon'ble Supreme Court of India in Nivedita Jha v. State of Bihar & others.	20-22
3.	Annexure A - II Order dated 28.11.2018 passed by the Hon'ble Supreme Court of India in Nivedita Jha v. State of Bihar & others.	23-26

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2020

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 24978 OF 2018

IN THE MATTER OF:

NIVEDITA JHA

...PETITIONER

VERSUS

THE STATE OF BIHAR & OTHERS

...RESPONDENTS

AND IN THE MATTER OF:-

CENTRAL BUREAU OF INVESTIGATION

...APPLICANT

AN APPLICATION FOR DIRECTION

TO,

THE HON'BLE CHIEF JUSTICE AND HIS
OTHER COMPANION HON'BLE
JUSTICES OF THE HON'BLE SUPREME
COURT OF INDIA.

THE HUMBLE APPLICATION OF
THE APPLICANT ABOVE – NAMED



MOST RESPECTFULLY SHOWETH:

1. That the captioned Petition is pending before this Hon'ble Court and the applicant is one of the respondents in the petition and the present application is being filed for passing

A handwritten signature in blue ink, located at the bottom left of the page.

appropriate direction for utilization of services of members of Investigation Team of Shelter Home Cases for other official works including services of Shri Abhay Singh, DIG, CBI.

2. Brief Background:-

2.1 In pursuance of the notification No. 8/CBI 80-10- 2018-6537-HP dated 26.07.2018 u/s 6 of DSPE Act issued by the Government of Bihar and corresponding Notification No. 228/34/2018-AVD.II dated 28.07.2018 u/s 5 of DSPE Act issued by the Govt. of India, CBI has took over investigation of case No. 33/18 dated 31.05.2018 registered u/s 120B, 376, 34 of IPC and u/s 4/6/8/10/12 of POCSO Act at Mahila Police Station, Muzaffarpur, Bihar by re-registering case vide No. RC 0922018S0001 dated 28.07.2018 at Special Crime Branch of CBI, Patna.

2.2 That, it was alleged in the FIR lodged at Mahila Police Station, Muzaffarpur that the girl children staying at Balika Grih, Muzaffarpur had been subjected to sexual, mental and physical assault by the employees of the Children (girls) Home looking after the affairs of the Balika Grih, run by NGO Sewa Sankalp Evam Vikas Samiti located at Sahu Road, Muzaffarpur, Bihar.

2.3 That vide order dated 20.09.2018, this Hon'ble Court started monitoring of investigation of Muzaffarpur Shelter Home Case and directed the Applicant i.e. CBI to file progress of the investigation in the form of Status Report on the dates fixed by this Hon'ble Court.



2.4 That this Hon'ble Court vide its orders dated 25.10.2018 directed CBI not to change the investigating team of Muzaffarpur Shelter Home Case without leave of this Hon'ble Court. The relevant para of the orders dated 25.10.2018 is reproduced hereunder:-

“.....It is made clear that the CBI Team investigating into the incident in Muzaffarpur should not be changed without leave of this Court.....”

Copy of the Order dated 25.10.2018 passed by this Hon'ble Court in SLP (C) No. 24978 of 2018 is annexed as ANNEXURE A-I.

2.5 That in continuation of the monitoring by this Hon'ble Court, it has been brought to the knowledge of this Hon'ble Court that there were 16 more Shelter Homes apart from Muzaffarpur Shelter Home in Bihar which were put in the category of 'Grave Concerns' in the report submitted by Tata Institute of Social Sciences (herein referred as TISS).

2.6 Vide order dated 28.11.2018, this Hon'ble Court directed CBI to investigate all the remaining cases of 'Grave Concerns' as mentioned in the report of TISS and reiterated that the investigation team of Shelter Home Cases will not be changed without leave of this Hon'ble Court.

Copy of the Order dated 28.11.2018 passed by this Hon'ble Court in SLP (C) No. 24978 of 2018 is annexed as ANNEXURE A-II.



2.7 That in compliance of the order dated 28.11.2018 passed by this Hon'ble Court, CBI took over investigation of remaining 16 Shelter Home Cases and registered 12 Regular Cases and 04 Preliminary Enquiries spread over 10 different Districts of Bihar i.e. Patna, Muzaffarpur, Munger, Kaimur, Araria, Madhepura, Bhagalpur, Madhubani, Gaya and Motihari in addition to already registered case of Balika Grih, Muzaffarpur, Bihar.

3. Status of Investigation

3.1 That in connection with case of Balika Grih Muzaffarpur, CBI filed charge-sheet on 19.12.2018 against 21 accused persons in the Court of Additional District and Sessions Judge cum Special Court of POCSO Act Muzaffarpur, Bihar and the further investigation of case was kept open which is still continuing.

3.2 That while hearing the petition on 07.02.2019, this Hon'ble Court transferred the trial of this case from POCSO Court, Muzaffarpur to Saket Court, Delhi. This Hon'ble Court further directed the Trial Court to conclude the trial within a period of six months.

3.3 The trial of Muzaffarpur Shelter Home Case has been completed and the Judgment was pronounced on 20.01.2020 convicting 19 accused persons for committing offences of gang rape, gang aggravated penetrative sexual assault and other



offences. The punishment awarded to accused persons by the Ld. POCSO Court Saket New Delhi is tabulated hereunder :-

Sl No.	Name and designation of Accused Person	Maximum Sentence Awarded by Ld. Trial Court
1.	Brajesh Thakur (A-1), owner of NGO Sewa Sankalp Evam Vikas Samiti	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of his natural life. He has also been awarded total fine of Rs. 32.20 lacs
2.	Indu Kumari (A-2), Superintendent of Children Home for girls	Rigorous imprisonment for a period of 03 years and fine of Rs. 10000/-
3.	Minu Devi (A-3), House Mother, Children Home for girls	Rigorous imprisonment for life and fine of Rs. 80000/-
4.	Manju Devi (A-4), Counselor, Children Home for girls	Rigorous imprisonment for a period of 10 years and fine of Rs. 40000/-
5.	Chanda Devi (A-5), House Mother, Children Home for girls	Rigorous imprisonment for a period of 10 years and fine of Rs. 60000/-



6.	Neha Kumari (A-6), Nurse, Children Home for girls	Rigorous imprisonment for a period of 10 years and fine of Rs. 40000/-
7.	Hema Masih (A-7), Probation Officer, Children Home for girls	Rigorous imprisonment for a period of 10 years and fine of Rs. 60000/-
8.	Kiran Kumari (A-8), Helper, Children Home for girls	Rigorous imprisonment for life and fine of Rs. 80000/-
9.	Ravi Kumar Roshan (A-9), the then Child Protection Officer, Muzaffarpur	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of his natural life. He has also been awarded total fine of Rs. 3.25 lacs
10.	Vikas Kumar (A-10), the then Member, Child Welfare Committee, Muzaffarpur	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of his natural life. He has also been awarded total fine of Rs. 14.50 lacs



11.	Dilip Kumar Verma (A-11), the then Chairman, Child Welfare Committee, Muzaffarpur	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of his natural life. He has also been awarded total fine of Rs. 2.0 lacs
12.	Vijay Kumar Tiwari (A-12), driver of Brajesh Thakur	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of his natural life. He has also been awarded total fine of Rs. 75000/-
13.	Guddu Kumar Patel @ Guddu (A-13), employee of Brajesh Thakur	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of his natural life. He has also been awarded total fine of Rs. 85000/-



Handwritten signature in blue ink.

14.	Krishan Kumar Ram @ Krishna @ Kishan (A-14), Employee of Brajesh Thakur	Rigorous imprisonment for life and fine of Rs. 50,000/-
15.	Rosy Rani (A-15), the then Assistant Director, District Child Protection Unit, Muzaffarpur	Rigorous imprisonment for a period of six months and no fine.
16.	Ramanuj Thakur @Mamu (A-16), Uncle of Brajesh Thakur	Rigorous imprisonment for life and fine of Rs. 60,000/-
17.	Ramashankar Singh @ Master Saheb @ Masterji (A-17), Employee of Brajesh Thakur	Rigorous imprisonment for a period of 10 years and fine of Rs60,000/-
18.	Dr. Aswini @ Asmani (A-18), Employee of Sewa Sankalp Evam Vikas Samiti	Rigorous imprisonment for a period of 10 years and fine of Rs 30,000/-
19.	Saista Praveen @ Madhu (A-20), Employee of Sewa Sankalp Evam Vikas Samiti	Rigorous imprisonment for life and fine of Rs. 4.10 Lacs

3.4 That pursuant to the orders dated 28.11.2018 passed by this Hon'ble Court CBI took over investigation of 12 FIRs registered by the State Police by re-registering them in CBI and registered 04 Preliminary Enquiries and thereby covered

investigation of all 16 Shelter Homes found mentioned under the category of Grave Concern in the report of TISS.

- 3.5 That in compliance of orders passed by the Hon'ble Supreme Court, CBI has so far filed following Status Reports before the Hon'ble Supreme Court in connection with the investigation of Balika Grih Muzaffarpur and 16 other Shelter Home cases of Bihar:

Sl No.	Status Report	Date on which filed
1	Status Report No. 1 & 2	20.09.2018 (Perused by the Hon'ble Supreme Court though earlier was filed in Hon'ble High Court Patna)
2	Status Report No. 3	25.10.2018
3	Status Report No. 4	30.10.2018
4	Status Report No. 5	31.10.2018
5	Status Report No. 6 and Status Report 01 related to other 16 Shelter Home Cases	05.02.2019
6	Status Report No. 7 along with Status Report No. 2 of other Shelter Home cases of Bihar	01.05.2019
7	Status Report No. 8 in Muzaffarpur Shelter Home Case	31.05.2019



Handwritten signature in blue ink.

8	Status Report No. 9 in Muzaffarpur Shelter Home Case Status Report 03 related to other 16 Shelter Home Cases	03.09.2019
9	Status Report No. 10	06.01.2020
10	Status Report No 1, 2, & 3 filed in other 16 Shelter Home Cases	05.02.2019, 01.05.2019 and 03.09.2019 respectively

- 3.6 Investigation/ Enquiry of all 17 Shelter Home cases has been completed except further investigation in Muzaffarpur Shelter Home Case (RC 01(S)/2018) and Short Stay Home, Motihari (RC 08(S)/2018).
- 3.7 The Final Reports u/s 173 Cr.P.C. in 13 Regular Cases have been filed in the Competent Courts.
- 3.8 Enquiry of all 04 Preliminary Enquiries has also been completed and no evidence proving commission of criminal offences could be gathered in the said Preliminary Enquires. However, evidence of gross negligence was found on part of public servants and NGOs running the Shelter Homes for which CBI Reports have been sent to Govt. of Bihar for taking departmental actions against erring Government officials and cancellation of registration of NGOs and blacklisting them and their office bearers for future social/Governmental contracts.
- 3.9 The CBI Reports/ Self Contained Note have been forwarded to the Chief Secretary, Govt. of Bihar for taking actions against erring Govt. servants in all Cases.



[Handwritten signature]

3.10 The present status of all the Shelter Home Cases is detailed in table below:-

S. No.	Case No	Name and Address of the Home	Actions Recommended/ taken
1.	RC 01 (S) / 2018	Balika Grih Muzaffarpur	(i) Charge-sheet was filed on 19.12.2018 (ii) Trial has been concluded and judgement was pronounced on 20.01.2020 convicting 19 accused persons. (iii) Further investigation of the case is being continued and Supplementary Final Report will be filed after concluding remaining investigation.
2.	RC 01 (S)/ 2019	Children Home for Boys, Gaya	(i) Charge-sheet against 03 numbers of persons has been filed/ forwarded in the Competent Court on 27.12.2019. (ii) Departmental actions against the erring 02 District Magistrates, 01 Government Official and blacklisting of 13 private persons/ parties, members of Child Welfare Committee have been recommended to the Govt. of Bihar vide CBI report dated 30.12.2019.
3.	RC 02 (S)/ 2019	Children Home for Boys,	(i) Charge-sheet against 08 persons has been filed in the competent Court on 25.12.2019. (ii) Departmental actions against 02



Handwritten signature

		Bhagalpur	District Magistrates, 03 Government Official and blacklisting of 06 private persons/ parties, members of Child Welfare Committee have been recommended to the Govt. of Bihar vide CBI report on 25.12.2019.
4.	RC 03 (S)/ 2019	Short Stay Home , Munger	(i) Final Report u/s 173 Cr.P.C. has been filed on 28.11.2019. (ii) SCN has been forwarded to the Chief Secretary, Government of Bihar on 05.12.2019 for issuing specific instructions with regard to inspections of the Shelter Homes.
5.	RC 04 (S)/ 2019	Children Home for Boys , Munger	(i) Final Report u/s 173 Cr.P.C. has been filed on 28.11.2019. (ii) CBI Report has been forwarded to the Chief Secretary, Govt. of Bihar on 28.11.2019 for taking actions against erring officials which include 01 District Magistrate and blacklisting of 02 Private persons/ Parties/ CWC (Child Welfare Committee) Members.
6.	RC 05 (S)/ 2019	Kaushal Kutir , Patna	(i) Charge-sheet in the case against 03 persons has been filed on 27.12.2019. (ii) Govt. of Bihar has been requested vide CBI Report dated 30.12.2019 for taking departmental action against the erring 01 Govt. Official.



7.	RC 06 (S)/ 2019	Short Stay Home, Patna	<p>(i) Charge-sheet against 04 persons has been filed in the Competent Court on 24.12.2019.</p> <p>(ii) CBI Report has been forwarded to the State Government of Bihar on 24.12.2019 recommending actions to be taken against 01 District Magistrate, 02 Govt. officials and blacklisting of 03 Private persons/ parties.</p>
8.	RC 07 (S)/ 2019	Children Home for Boys, Motihari	<p>(i) Final Report u/s 173 Cr.P.C. has been filed in the Competent Court on 29.11.2019</p> <p>(ii) CBI Report has been forwarded to the Chief Secretary, Govt. of Bihar on 29.11.2019 for taking actions against 02 District Magistrates.</p>
9.	RC 08 (S)/ 2019	Short Stay Home, Motihari	<p>(i) Charge-sheet in the case against 08 persons has been filed in the Competent Court on 27.12.2019. Further investigation of this case is kept open.</p> <p>(ii) CBI Report has been forwarded to the Govt. of Bihar on 30.12.2019 recommending actions to be taken against 05 District Magistrates, 05 Govt. officials and blacklisting of 01 NGO' Sakhi' which run the Short Stay Home.</p>



Handwritten signature

10.	RC 09 (S)/ 2019	Sewa Kutir, Muzaffarpur	(i) Final Report u/s 173 Cr.P.C. has been filed on 28.11.2019.
11.	RC 10 (S)/ 2019	Short Stay Home, Kaimur	(i) Charge-sheet in the case against 06 persons has been filed in the Competent Court on 29.11.2019 (ii) CBI Report has been forwarded to the Govt. of Bihar on 29.11.2019 recommending Departmental actions to be taken against 07 District Magistrates 11 Govt. Officials and Blacklisting of 01 private person party.
12.	RC 11 (S)/ 2019	Short Stay Home, Madhepura	(i) Final Report has been filed on 29.11.2019. (ii) CBI report has been forwarded to the Chief Secretary, Govt. of Bihar on 29.11.2019 for taking actions against erring officers which include 01 District Magistrate and 05 Govt Officials.
13.	RC 12 (S)/ 2019	Observation Home, Araria	(i) Charge-sheet has been filed on 23.12.2019 against one Police Constable for assaulting the inmates. (ii) CBI Report has been forwarded on 23.12.2019 to the Competent authority of Govt. of Bihar recommending actions to be taken against 01 District Magistrate and 05 govt officials.



Handwritten signature

14.	PE 01 (S)/ 2019	Specialized Adoption Agency, Madhubani	(i) Self Contained Note has been forwarded to the Chief Secretary, Govt. of Bihar on 27.11.2019 for taking actions against erring officials including 02 District Magistrates, 05 govt officials and blacklisting of 05 private persons/ parties. During enquiry no evidence of commission of criminal offence could be gathered and hence no regular case was registered.
15.	PE 02 (S)/ 2019	Specialized Adoption Agency, Patna	(i) CBI Report has been forwarded to the Chief Secretary, Govt. of Bihar on 29.11.2019 for taking actions against erring officials including 01 District Magistrate, 05 Govt. officials and blacklisting of 04 private persons/ parties. During enquiry no evidence of commission of criminal offences could be gathered and hence no regular case was registered.
16.	PE 03 (S)/ 2019	Specialized Adoption Agency, Kaimur	(i) CBI Report has been forwarded to the Chief Secretary, Govt. of Bihar on 29.11.2019 for taking actions against erring officials which include 03 Govt officials and blacklisting of 13 private persons/ parties. During enquiry no evidence of commission of criminal offence could be gathered and hence no regular case was registered.



h

17.	PE 04 (S)/ 2019	Sewa Gaya	Kutir,	(i) Self Contained Note has been forwarded to the Chief Secretary, Govt. of Bihar on 27.11.2019 for taking actions against erring officials and blacklisting of 04 private persons/ parties. No regular case was registered as no evidence of commission of criminal offence could be gathered.
-----	--------------------	--------------	--------	---

3.11 That the investigation / enquiry of all 17 Shelter Home Cases (13 Regular Case and 04 Preliminary Enquiries) has been completed except further investigation in 02 cases i.e. RC 1(S)/2018-CBI/SCB/Patna (Balika Grih Muzaffarpur and RC 8(S)/2019 Short Stay Home Motihari). Reports u/s 173 Cr.P.C. have been filed in all 13 Regular cases in the Competent Courts. No incriminating evidence proving commission of any criminal offence could be gathered in 04 Preliminary Enquiries and as such no FIR was registered. The Government of Bihar has been requested to take departmental actions and action of cancellation of registration and blacklisting of concerned NGOs and office bearers of NGO. Trial of one case i.e. case of Balika Grih, Muzaffarpur has been concluded and 19 accused convicted.

3.12 That further investigation in Muzaffarpur Shelter Home Case (RC01S2018) and Short Stay Home, Motihari (RC08S2019) is being carried out.



Handwritten signature



3.13 That leave of this Hon'ble Court is required for utilizing services of the team members of the Investigating Team of Shelter Home Cases, Bihar for other official works as assigned task has been completed except further investigation in Muzaffarpur Shelter Home Case(RC 01(S)/2018) and Short Stay Home, Motihari Case (RC 08(S)/2018).

PRAYER

In view of the facts and circumstances mentioned above, it is most humbly prayed that this Hon'ble Court may graciously be pleased to:

- i. Grant permission for utilizing services of team members of Investigating Team of Shelter Home Cases of Bihar for other official works as assigned task has been completed except further investigation in Muzaffarpur Shelter Home Case(RC 01(S)/2018) and Short Stay Home, Motihari Case (RC 08(S)/2018); and
- ii. Pass any such orders as this Hon'ble Court deems fit in the interest of justice.

DRAWN BY

VAISHALI VERMA

FILED BY

(ARVIND KUMAR SHARMA)
COUNSEL FOR APPLICANT



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2020

IN

SPECIAL LEAVE PETITION (CIVIL) NO. 24978 OF 2018

IN THE MATTER OF:

NIVEDITA JHA

...PETITIONER

VERSUS

THE STATE OF BIHAR & OTHERS

...RESPONDENTS

AND IN THE MATTER OF:-

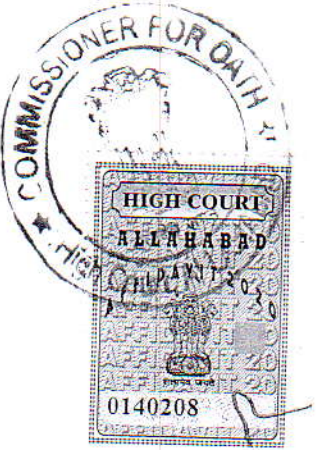
CENTRAL BUREAU OF INVESTIGATION

...APPLICANT

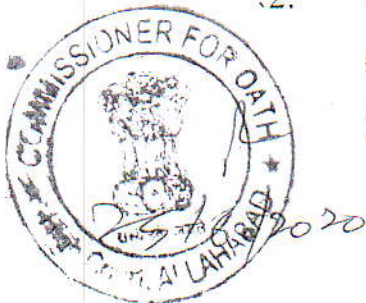
AFFIDAVIT

I, Devendra Singh S/o Late D.B. Singh, aged about 57 years is presently posted and functioning as Supdt. of Police, Central Bureau of Investigation, Special Crime Branch, Lucknow and having additional charge of Supdt. of Police, Shelter Home Cases, Bihar, I presently at Lucknow, do hereby solemnly affirm and state on oath as under:

1. That I, in the above mentioned capacity, am fully conversant with the facts of the case and as such I am competent and authorized to affirm the present affidavit filed on behalf of CBI.
2. That the contents of the paragraphs of the application for directions are true to the best of my knowledge and belief, derived from official records maintained in ordinary business.



(HON'BLE JUDGE)
Branch
Supdt. of Police
CBI Lucknow



DEPONENT
(DEVENDRA SINGH)
Head of Branch
Supdt. of Police

VERIFICATION:

I, the above-named deponent, do hereby verify that the averments stated in this affidavit are true to my knowledge and belief, derived from the record maintained in the ordinary course of business, no part of it is incorrect and nothing material has been concealed there from.

Verified at Lucknow on this 25th day of June, 2020.



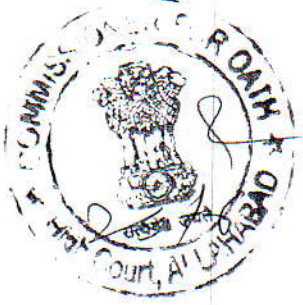
DEPONENT

(DEVENDRA SINGH)
Head of Branch
Supdt. of Police
CBI, SCB, Lucknow

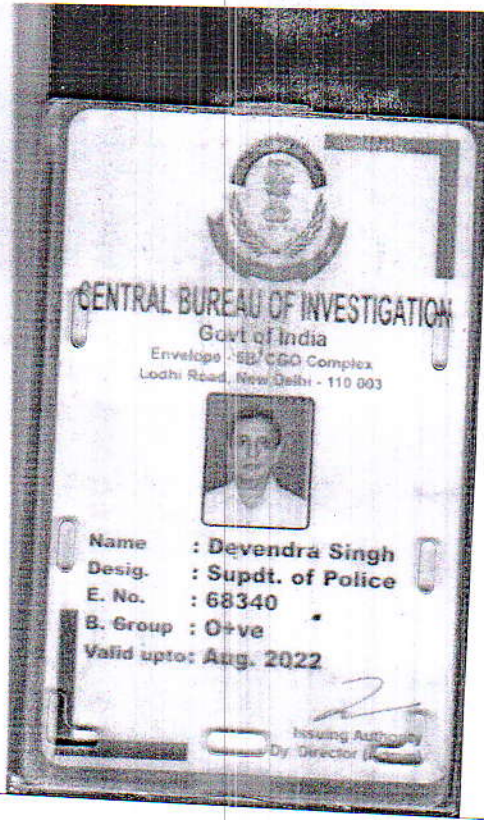


R. K. Verma
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench, Lucknow
S.No.....Date.....

140208 25/6/2020



(DEVENDRA SINGH)
Head of Branch
Supdt. of Police
CBI, SCB, Lucknow



Handwritten signature in blue ink.

(DEVENDRA SINGH)
Head of Branch
Supdt. of Police
CBI, SCB, Lucknow



ITEM NO.15

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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 & ORS.

Date : 25-10-2018 These matters were 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. Shivangi Singh, Adv.

For Petitioner(s) Ms. Fauzia Shakil, AOR
Mr. Varun Varma, Adv.

For Respondent(s) Mr. K. Raghavacharyulu, Special Pub. Prosecutor
Mr. Kailash Pandey, Adv.
Mr. Ranjeet Singh, Adv.
Ms. Arunima Pal, Adv.
Ms. Nupur Sharma, Adv.

Mr. Ranjit Kumar, Sr. Advocate
Mr. Abhinav Mukerji, Adv.
Ms. Bihu Sharma, Adv.
Ms. Pratishtha Vij, Adv.

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

There are various serious allegations made against Mr. Brajesh Thakur by the CBI. We have also noted the influence wielded by Mr. Brajesh Thakur in our order dated 20th September 2018.



11

In view of the serious nature of allegations made against Mr. Brajesh Thakur, it appears to us *prima facie* that it may not be appropriate in continuing his custody in Central Jail, Bhagalpur or any other jail in the State of Bihar.

Issue notice to Mr. Brajesh Thakur to show cause why his custody be not transferred to some other State in the country returnable on 30th October, 2018.

The CBI will serve him dasti.

We have also been informed by learned Special Public Prosecutor that Mr. Brajesh Thakur has constructed a four-storeyed building having height of 50 ft. with no window except on the top/fourth floor. This building was being used to run the shelter home which is the subject matter of our consideration.

It appears to us *prima facie* that this building is unauthorized. Learned counsel for the State of Bihar says that the matter will be looked into and notice for demolition will be issued if it is found that the structure does not conform to the legal provisions.

Learned Special Public Prosecutor says that investigations are going on and he expects that the charge-sheets will be filed fairly soon.

We request the concerned Forensic Science Laboratories to expedite the analysis of samples so that the charge-sheets can be filed by the CBI.



Learned Special Public Prosecutor also says that investigations are being conducted into the transfer of some of the girls on or about 20th March, 2018 and the circumstances under which they were transferred.

It is pointed out by learned *amicus curiae* that Mr. Chandrashekhar Verma has still not been arrested and is absconding according to CBI and the State of Bihar. However, she says that as per her information, Mr. Chandrashekhar Verma has been seen in Patna in the official residence of his wife who was ex-Minister in Bihar.

The State of Bihar and the CBI will file a status report relating to delay in tracing the whereabouts of Mr. Chandrashekhar verma.

Learned *amicus curiae* is permitted to file a Note on or before 29th October, 2018.

It is made clear that the CBI Team investigating into the incident in Muzaffapur should not be changed without leave of this Court.

List the matter on 30th October, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR



[Handwritten signature in blue ink]

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
R E C O R D O F P R O C E E D I N G S

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 & 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)
State

Mr. Gopal Singh, Adv.
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.



[Handwritten signature]

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 27th 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



h

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 31st January, 2019.

In the meanwhile, the matter be listed for further direction on 12th 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



[Handwritten signature]