

COMMITTEE OF PRIVILEGES

(TWELFTH LOK SABHA)

FIRST REPORT

(Presented on**12**.....**DEC**.....**1998**.....)

**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1998/Agrahayana, 1920 (Saka)

COMMITTEE OF PRIVILEGES

TWELFTH LOK SABHA

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CONTENTS

	PAGE
1. Personnel of the Committee of Privileges	(iii)
2. Report	1
3. Minutes of Sitzings of Committee	43
4. Appendices	54

PERSONNEL OF THE COMMITTEE OF PRIVILEGES (12th LOK SABHA)

.....

Shri P. Shiv Shanker - Chairman

MEMBERS

2. Shri Basudeb Acharia
3. Shri P. Chidambaram
4. Shri Bhartruhari Mahatab
5. Shri Ram Nagina Mishra
6. Shri Shyam Bihari Mishra
9. Shri Bhagwan Shankar Rawat
- *8. Shri Shantilal Purshottamdas Patel
9. Shri Tarachand Sahu
10. Shri V. Sathiamoorthy
11. Shri Mohan Singh
12. Shri V.M. Sudheeran
13. Shri P. Upendra
14. Shri Bhanu Pratap Singh Verma
15. Shri Kinjarapu Yerrannaidu

SECRETARIAT

Shri G.C. Malhotra	-Additional Secretary
Shri V.K. Sharma	-Deputy Secretary
Shri Ravindra Garimella	-Assistant Director

*Vice Dr. Balram Jakhar who resigned from the Committee w.e.f. 10.11.98.

FIRST REPORT OF THE COMMITTEE OF PRIVILEGES

(TWELFTH LOK SABHA)

I. Introduction and procedure

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their First Report to the House on the question of privilege regarding alleged misbehaviour with Shrimati Rama Devi, MP by the Deputy Superintendent of Police, Central Bureau of Investigation, Patna Bihar and alleged derogatory remarks made against her and members of Parliament by him.

2. The Committee held 6 sittings. The relevant minutes of these sitting form part of the Report and are appended hereto.

3. At their first sitting held on 28 July, 1998, the Committee considered the matter. The Committee decided that Smt. Rama Devi, MP be requested to appear before them for oral evidence on 14 August, 1998.

4. At their second sitting held on 14 August, 1998 the Committee examined on oath Smt. Rama Devi. During her evidence Smt. Rama Devi, handed over copies of depositions made by two escort guards of her husband,

late Shri Brij Bihari Prasad, before the Judicial Magistrate, Sadar, Patna, in a case filed by her regarding the incident of alleged misbehaviour with her by Shri R.K. Singh, Deputy Superintendent of Police, Central Bureau of Investigation, Patna. The Committee requested the member to furnish a copy of the complaint filed by her in the Court regarding misbehaviour with her by Shri R.K. Singh.

The Committee decided that a copy of the notice of question of privilege given by the member may be forwarded to Shri R.K. Singh for obtaining his written comments thereon for the consideration of the Committee. The Committee also decided that Shri R.K. Singh be asked to appear before the Committee for oral evidence on 11 September, 1998.

5. At their third sitting held on 11 September, 1998, the Committee examined on oath Shri R.K. Singh, Deputy Superintendent of Police, Patna, Bihar. During his evidence Shri R.K. Singh handed over a copy of communication addressed by Deputy Superintendent of Police, Central Bureau of Investigation, Patna Region, Patna intimating about the approval by Director, Central Bureau of Investigation to the proposal of search and

arrest of Late Shri Brij Bihari Prasad, former Minister of Science and Technology, Government of Bihar in case no. RC 43(A)197-Pat., received from Deputy Superintendent of Police, Central Bureau of Investigation, Patna Region, Patna.

The Committee decided to ask the following persons to appear before the Committee for oral evidence on 6 October, 1998.

- (i) Prof. (Dr.) Gopal Prasad Sinha, Patna Medical College & Hospital, Patna, Bihar.
- (ii) Dr. M.P. Singh, Central Government Health Scheme, Patna, Bihar.
- (iii) Shri Dharmendra Kumar Singh, Escort guard of late Shri Brij Bihari Prasad.
- (iv) Shri Jai Prakash Pandey
- (v) Shri Bhola Prasad Premi.

6. At their fourth sitting held on 6 October, 1998,

the Committee examined on oath the following persons:-

(i) Prof. (Dr.) Gopal Prasad Sinha,

(ii) Dr. M.P. Singh,

(iii) Shri Dharmendra Kumar Singh,

(iv) Shri Jai Prakash Pandey

(v) Shri Bhola Prasad Premi.

7. At their fifth sitting held on 13 November, 1998, the Committee deliberated upon the matter and arrived at their conclusions. The Committee decided that a draft Report be prepared.

8. At their sixth sitting held on 15 December, 1998, the Committee considered their draft first Report and adopted it.

II Facts of the case

9. On 28 April, 1998 a notice¹ of question of

1. See Appendix I

privilege was given by Smt. Rama Devi, MP alleging that she was misbehaved with and derogatory remarks made against her and members of Parliament by the Deputy Superintendent of Police, Central Bureau of Investigation, Patna. Bihar

10. Smt. Rama Devi alleged in her notice that on 4 April, 1998, a Central Bureau of Investigation team led by Shri R.K. Singh, Deputy Superintendent of Police came to her residence with a search warrant in connection with a Special Case No. 23 of 1997 corresponding to R.C. case no. 43 of 1997, in which her husband (Shri Brij Bihari Prasad) a former Minister of Science and Technology. Government of Bihar, was made an accused. At that point of time, according to Smt. Rama Devi, her husband was seriously indisposed and the doctor who was attending on him had advised his immediate hospitalisation, but the Deputy Superintendent of Police prevented the same. When she sought to intervene, the DSP humiliated her by saying that "Tumhara Husband chor hai aur tum bhi chor ho" (your husband is a thief and so are you).

11. It was further alleged by Smt. Rama Devi that on disclosing her identity as a member of Parliament, the

Deputy Superintendent of Police retorted by saying 'Tumhare aise aise kitne saansad ko hum hathkari pahna chuke hain aur tumko bhi hathkari laga denge. Tum bogus vote se jiti hui saansad ho' (We have handcuffed many MPs like you and would handcuff you too. You have been elected to Parliament on bogus votes).

12. Smt. Rama Devi further alleged that her husband was later forcibly taken to the Central Bureau of Investigation Headquarters at Patna and from there to the Incharge Court of the Special Judge, North Bihar, Patna. When she protested against the maltreatment meted out to her husband, she was slighted and even 'crudely pushed aside' by the Deputy Superintendent of Police.

13. On 5 May, 1998 a copy of the notice given by Smt. Rama Devi was forwarded to the Ministry of Personnel, Public Grievances and Pensions for furnishing a factual note in the matter for consideration of the Hon'ble Speaker.

14. A factual note² in the matter was received from the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training) on 26 May, 1998. In their factual note the Ministry inter alia stated that

2. See Appendix II

on 4 April, 1998, when Shri Brij Bihari Prasad was arrested and produced before the Special judge, he did not complain of any ill-treatment by Shri R.K. Singh, Deputy Superintendent of Police and Inquiry Officer of the case. This fact had also been specifically mentioned in the order sheet dated 4 April, 1998 of the said Court. No such complaint of harassment as alleged by member was brought to the notice of Hon'ble Patna High Court. It was asserted that 'the complaint made against the Inquiry Officer and Deputy Superintendent of Police Shri R.K. Singh, is an afterthought, the purpose of which is to demoralise and to divert the attention of the investigating agency. Hence, the allegation that Shri R.K. Singh, Deputy Superintendent of Police and Inquiry Officer, humiliated or misbehaved with the member Smt. Rama Devi is not substantiated'.

15. On 8 June, 1998 a copy of the factual note furnished by the Ministry was given to Shrimati Rama Devi. Disagreeing with the facts furnished by the Ministry, Smt. Rama Devi stated that she would raise the matter in the House on that very day i.e. 8 June, 1998. The member wrote³ to the Speaker seeking permission to raise the matter in the House.

3. See Appendix III

16. On the same day the member raised⁴ the matter in the House. After some time, the Speaker observed "I have sent it (the matter) to the Committee of Privileges."

17. The matter thus stood referred to the Committee of Privileges for examination, investigation and report.

III EVIDENCE

Evidence of Smt. Rama Devi, MP

18. During her evidence before the Committee on 14 August, 1998, Smt. Rama Devi, MP inter alia stated as follows:

"On 4th April, 1998 in the morning at 7.00 hours Central Bureau of Investigation (team) came to my flat at Bailey Road, Patna. At that time my husband was unwell, and had fever of 104-105 degrees since the previous night.

4. See Appendix IV

I told the CBI team which came to conduct the search, that they could go ahead with their search but at the same time pointed that my husband was not well. The DSP, (CBI) said that they would conduct the search without any disturbance to my husband.....

I had called for doctor in the night but he could not come. I rang up the doctor again in the morning before the arrival of the CBI team. When the doctor examined my husband, he was running a temperature of 105 degrees. The doctor immediately referred him to Kurji Hospital and said that as he had a very high fever, he had to be hospitalised otherwise there might be a brain haemorrhage or anything could happen. The CBI personnel thereupon, asked the doctor to sit silently. When the doctor repeatedly insisted upon hospitalisation of my husband they asked him to go downstairs and sit there. After that I

also requested them that my husband might be allowed to be hospitalised. I added that we would leave the entire house open, and they could carry on the search work. But the DSP turned a deaf ear towards our entreaties and retorted by saying 'your husband is a thief and you are also a thief.' I asked him why he was using such a language and said, 'I am a member of Parliament' He retorted by saying that he had handcuffed many MPs., and that he will also handcuff me. He further said 'You have been elected to Parliament on bogus votes.' When I asked him 'Take your words back, whatever you are saying, is not a good thing' He said that he would see...."

19. When asked whether all the persons were from CBI, member replied in affirmative and further stated that "a security guard who was later killed and two other guards were also present there and CBI people kept on asking them to go out. Time and again the security guards came back stating that they were on duty and could not leave without any written instructions." They were stated

to have heard the argument which was going on between the member and the DSP.

20. When the member was asked to comment upon the position taken by the Ministry of Personnel and Shri R.K. Singh DSP.CRI. Patna that the member or her husband did not complain about harassment/maltreatment by DSP, when her husband was brought before the Court, the member stated that as her husband was not in a position to say anything, she tried to bring this matter before the Court, but the Judge refused to listen to her. Member further stated that had 'the Court given me an opportunity to speak for a minute and asked about my identity, I would have told them everything."

21. When asked whether the member's lawyer was present, the member stated that their lawyer was out of station and a lawyer at the Court was provided to them for their defence. The member said that the lawyer did not utter a single word in their favour. She could not give in writing anything at that time as her husband was suffering from high fever.

22. When asked whether she had filed a complaint⁵ with the Court subsequently regarding the incident of alleged

5. Copy of complaint filed by member in the Court of Judicial Magistrate, Sadar, Patna and examination of complaint in the Court may be **seen** at Appendix V

misbehaviour with her by Deputy Superintendent of Police, Central Bureau of Investigation, Patna, she replied in affirmative and handed over ⁶ copies of depositions made by two escort guards of her husband Late Shri Brij Bihari Prasad before the Judicial Magistrate, Sadar, Patna in that case.

23. Member however, stated that she could not move the High Court of Patna in the matter.

Evidence of Shri R.K. Singh, Deputy Superintendent of Police, Central Bureau of Investigation, Patna, Bihar

24. On the direction of the Committee of Privileges, Shri R.K. Singh, Deputy Superintendent of Police furnished his written comments ⁷ on the notice of question of privilege given by Smt. Rama Devi, MP vide his communication dated 26 August, 1997. The following are the main points made by Shri R.K. Singh in his comments:

- (i) The CBI, Patna Branch had registered a case no. RC 43/A/97 against Shri B.B.

6. See Appendix VI
7. See Appendix VII

Prasad, former Minister of Science & Technology, Government of Bihar on 11 August, 1997 on the order dated 17 July, 1997 of the High Court, Patna.

(ii) CBI did not resort to search of premises of Shri B.B. Prasad until April, 1998 when sufficient evidence against him surfaced. The evidence against Shri B.B. Prasad was analysed by the Senior Officers of CBI at various levels. As per the decision taken by the competent authority, the house search of Shri B.B. Prasad was conducted on 4 April, 1998 after obtaining a search warrant u/s 93 Cr. P.C. from the Court of Special Judge, CBI, Patna. It was well within the knowledge of DSP, CBI that he was conducting search of a high dignitary whose wife Smt. Rama Devi also happened to be a member of Parliament and hence all courtesy and respect was shown to them during the search operations.

(iii) During the course of the search, the

accused Shri B.B. Prasad complained of fever and as such due opportunity was given to him to call his family doctor. Accordingly, Smt. Rama Devi, called one Dr. Gopal Prasad Sinha to attend the accused. Since the accused complained of fever, it was felt expedient to get him examined by another doctor and for this purpose, the accused was taken to CBI office. Smt. Rama Devi also accompanied her husband to CBI office and it was in her presence that the accused was again examined by Dr. M.P. Singh of CGHS, Patna and as per the advice of the doctor, medicines were provided to him. The arrest memo was signed by Smt. Rama Devi and at this juncture she did not record her protest and complaint of misbehaviour. Moreover, while filing this petition on behalf of the accused before the designated court, no mention was made of any harrasment or misbehaviour on his part with the member or accused.

(iv) The allegation that he abused her and

passed derogatory remarks against her during the search operations on 4.4.98 was malicious and an afterthought. All respect was shown to her and her family members by him during the entire search operation.

(v) Shrimati Rama Devi, MP has also lodged a complaint against him to National Human Rights Commission alleging inhuman behaviour towards her husband but did not mention about any misbehaviour with her or passing of derogatory remarks against anybody.

(vi) Shri Singh also stated that no such complaint (of inhuman treatment and passing of derogatory remarks against Smt. Rama Devi, MP) was made to his superior officers either at the time of conducting the search or thereafter by Smt. Rama Devi when she came to CEI office with her husband.

(vii) In the end Shri R.K. Singh stated that

he had not in any way attempted to humiliate or misbehave with Smt. Rama Devi,MP or acted in any way which might lower the prestige of the August House. He discharged his duties as an investigation officer with diligence in a fair manner keeping himself well within the parameters set by the law of the land.

25. When Shri R.K. Singh, Deputy Superintendent of Police, Central Bureau of Investigation, Patna, Bihar, appeared before the Committee for oral evidence, he denied at the very outset the allegations of his having made derogatory remarks against Smt. Rama Devi,MP. Narrating the incident, Shri R.K. Singh stated as follows:-

"I went to the residence of late Shri B.B. Prasad (member's husband), with a search warrant. He stated his purpose to Shri B.B. Prasad and also produced the search warrant. He (Shri Prasad) asked the CBI team to go ahead with the search and also signed the search warrant. At

that time he was suffering from fever. Then we started the search work. After a short while, he said that a doctor was required to be called. I said that they may call the doctor, we had no objection. They called the doctor. At that time we were conducting the search in another room..... When we reached there, we came to know that the doctor had advised his hospitalisation. Thereafter, I asked his family doctor whether his condition is so serious that he is required to be hospitalised. He said that his condition is not so abnormal but he must be hospitalised because he is feeling very uneasy. He also submitted that his condition was not so alarming. Then our S.P. came there. He also saw him. He asked us to get him examined by a CGHS doctor. Then we called a CGHS doctor and he examined him. After examining him, he said that he is not required to be hospitalised at present. After that, we took him to the Court and therefrom, order was given to send him to jail.

Whatever she has said against me is not correct. I did not say anything like that. All my officers were present there at that time, I never tried to speak like that."

26. To a pointed query as to whether Dr. Gopal Prasad Sinha was called by the member on her own without asking them, Shri R.K. Singh stated that she called the doctor without consulting them.

27. On being asked as to what was the necessity for calling a CGHS doctor to again examine Shri B.B. Prasad, when his doctor had already examined him and advised for his hospitalisation, Shri R.K. Singh stated "I called the CGHS doctor because he was his family doctor. When the doctor was examining him, we were conducting the search in another room. When we came from there, he had written his prescription. When we talked to the doctor, he told that his condition is not so alarming but since he was feeling uneasy, it would be better to get him hospitalised. Then we thought of taking the second opinion from another doctor also because Dr. Sinha was

- 154

family doctor. Our S.P. came there and he also advised to get him examined by another doctor."

28. When confronted with the fact that he did not take these pleas in his written submissions/comments to the Committee, Shri R.K. Singh regretted the same.

29. When asked whether the CGHS doctor confirmed that Shri B.B. Prasad was ill, Shri R.K. Singh, while replying in affirmative, stated that the illness had been diagnosed as fever.

30. To a specific query as to whether the CGHS doctor had seen the prescription of Dr. Gopal Prasad Sinha, Shri R.K. Singh replied in affirmative.

31. When asked about the CGHS doctor's opinion regarding hospitalisation of Shri B.B. Prasad, Shri R.K. Singh drew attention to the last line of the doctor's prescription wherein it was recorded 'To assess the condition, refer if needed to the hospital.'

32. In response to a query regarding the production of the two prescriptions in the Court and Court's order in the matter, Shri R.K. Singh stated that both the

prescriptions were brought to the notice of the Court.

33. Committee took note of the Court's order dated 4 April, 1998 as reproduced in Shri R.K. Singh's comments dated 26 August, 1998 directing that Shri B.B. Prasad be taken into judicial custody till 6 April, 1998 and till such time lodged in Central Jail, Bhubaneswar. It was directed by the Court that Shri B.B. Prasad be produced before the Court on 6 April, 1998. On being asked about the subsequent events, Shri R.K. Singh stated that after this order Shri Prasad again filed an application in the Court the same day, stating that he was suffering from several serious abdominal diseases and praying that he may be sent to IGIMS, Patna for availing medical facility. The Court after due examination of the matter and keeping in view the CBI report did not order for sending Shri B.B. Prasad to hospital. Shri R.K. Singh further stated that they deposited the Court's order with the Jail authorities.

34. Shri R.K. Singh also stated that on 6 April, 1998 they learnt that Shri B.B. Prasad had been sent from jail to the Indira Gandhi Medical Institute. It wasn't clear to them as to how this came to happen and even the Judge wondered as to how Shri B.B. Prasad was

hospitalised without the prior permission of the Court.

35. To a specific query whether the member tried to influence or intimidate him, he replied "She did not do this at that point of time."

36. When asked had Shri B.B. Prasad been allowed to be hospitalised, could that have in any way, impeded investigation of the Central Bureau of Investigation in this case, Shri R.K. Singh replied that he had orders to conduct the search of the residence of Shri B.B. Prasad, arrest him and produce him in the Court. Elaborating, Shri R.K. Singh stated that Central Bureau of Investigation wanted Shri B.B. Prasad in police custody for interrogation and he had specific orders to arrest him.

37. In this context Shri R.K. Singh handed over a copy of communication⁸ dated 17 March, 1998 addressed by Deputy Superintendent of Police, Central Bureau of Investigation Patna Region, Patna intimating about the approval by Director, Central Bureau of Investigation to the proposal of search and arrest of late Shri B.B. Prasad in RC 43(A)- 197- Pat. The case was in fact registered against Shri B.B. Prasad consequent upon

8. See Appendix VIII

orders of the High Court of Patna dated 17 July, 1997.

38. On being asked that when he had clear orders for arrest of Shri B.B. Prasad, where was the need for him to consult the Superintendent of Police about the custodial interrogation, Shri R. K. Singh stated that as Superintendent of Police was supervising the search and the operation and was available on the spot, he had to take a decision only after consulting him.

39. Shri R.K. Singh concluded his evidence by stating that if the member has been hurt by any of his observations, he apologises for that .

Evidence of Prof (Dr.) Gopal Prasad
Sinha, Patna Medical College and
Hospital, Patna, Bihar.

40. At the outset, when Dr. Gopal Prasad Sinha, Patna Medical College and Hospital, Patna, Bihar was asked whether he was acquainted with Shri Brij Bihari Prasad, he replied, "He and his family members were my patients for the last three to four years".

41. On being asked whether he recollected having gone to the residence of Shri B.B. Prasad for his medical examination in April, 1998, Dr. Sinha replied "I do not remember the exact date but I certainly remember that he was ill and later on I came to know that some raid was going on at his residence. I do not remember exactly whether it was in the month of April or May, but I can certainly recall by the records. The only record was my prescription which was taken away from me, but I can recognise it if it is there with the patient or other authority."

42. When Dr. Sinha was shown a copy of the said prescription as available in the Committee's record, he stated "yes, it is my prescription and I have written on it that he was having high fever at that time."

43. On being asked to narrate the details of the incidents, Dr. Sinha stated:-

"I can recollect certain events which have not been detailed in the prescription. I vividly remember that I received a phone call from his wife at 8.30 in the morning that I should rush to

their residence as he was very serious. The first phone which I received was perhaps from his PA that the deceased (referring to Shri B.B. Prasad, who was subsequently assassinated) was not well and he was restless. In the morning it was not possible for me to rush immediately as at that time a number of patients were waiting for me in my clinic. I remember having received a phone call from his wife. She was a little annoyed as to why I had not gone there so far. I tried to explain to her the position that because of the heavy rush at my residence it was not possible for me to immediately rush to her residence. Then she said. 'Will you come when he will die'. I thought may be his condition was very serious. Leaving all my patients there, I rushed to their residence. When I reached there, I found the deceased crying and jumping on the bed. He was making noises just like any other person running high fever does. He was restless. I tried to console him....I recommended him to be

hospitalised immediately. As you know we are a little cautious while dealing with VIPs. Thinking that what looked like simple temperature might not turn out to be serious, I advised immediate hospitalisation. With all sense of responsibility, I advised him to be hospitalised immediately without losing any time....I was in the room. One or two staff members were also there.... There were a few other persons sitting on a sofa there.... I did not take notice as to how many persons were there.... At that time, I was examining the case. Honestly speaking, till such time, I never tried to look at...the persons sitting there..... I finished my examination and gave the prescription to one of the staff members, whose name I do not know, to rush him to the hospital..... Till such time, I never tried to know who the persons were. I thought, they were the visitors of the Minister who was ill. After a few minutes, one of the persons got up and

took out the prescription from the attendant asking for the prescription. Then he showed this prescription to someone. Honestly speaking, I could not follow what was going on there or whether some sort of CBI raid was going on.....

I asked for permission (to leave) from his wife. I told her that I was going to the hospital and she should get him admitted in the hospital as hospitalisation was a must. Then the person who looked like a superior officer told me that I could not go. He asked me to wait and sit there for a while

After a few minutes, one of the staff members asked me to accompany him downstairs ... That man took me downstairs and introduced me to Shri R.K. Singh, DSP of the CBI who wanted to have some clarification from me about the prescription. Then the DSP of the CBI

asked me some questions regarding his illness and the gravity of the situation for hospitalisation. I tried to explain the entire position to the best of my capacity and truthfulness.. When I sought his permission to return to the hospital, he asked me to wait for some more time. I was told that I could be allowed to leave the premises in about 15 minutes time and by that time, it was already 11.00 or 11.15 hours... So I sat down for some time. At that time, he got a telephone call from somewhere, possibly, it was a telephonic conversation with his colleague or from higher authorities.... He asked me to sit in the ante-room as there was something confidential which he had to talk to his superior. After he conferred with his superior for 3-4 minutes, I was permitted to leave"

44. To a specific question whether Shri Brij Bihari Prasad was also vomitting blood, during his medical examination by him, Dr. Sinha stated:

"No, not at that time. At that time, the only complaints were fever, toxemia and very severe headache. In fact I was asked this question as to whether I thought that it was an emergency situation. My answer was that emergency is not only a situation where the life is immediately in danger. The patient may be in great agony and it is also an emergency situation. Emergency calls for urgent treatment and that was the reason why I insisted very much on hospitalisation."

45. When confronted with a statement made by Shri R.K. Singh, DSP, Central Bureau of Investigation, Patna, Bihar during his evidence before the Committee that he (Dr. Sinha) informed him that condition of Shri B.B. Prasad was not alarming, Dr. Sinha stated 'I never told that the condition is not abnormal.'

46. On being asked whether anybody sought to obstruct him from entering the house of Shri B.B. Prasad, Dr. Sinha replied in negative.

**Evidence of Dr. M.P. Singh, Central
Government Health Scheme, Patna, Bihar**

47. During his evidence before the Committee, to a query as to how the CBI happened to summon him for examining Shri Brij Bihari Prasad, Dr. M.P. Singh of Central Government Health Scheme, Patna, informed that "For the last one year, since the beginning of the Animal Husbandry case, the CBI people have been summoning one or the other CGHS doctors....my dispensary is about 5 kms., away from CBI office, which is located at Baily Road. I am the in-charge there..... On 4 April, 1998 at about 9.00 hours an Inspector from CBI came to my dispensary asking me to come to CBI office for examining a person." He further stated "I asked him to wait for an hour to dispose of emergency cases and after half an hour, I again received a telephone call from CBI office to come immediately."

48. When asked about his examination of Shri Brij Bihari Prasad, Dr. M.P. Singh stated "I examined him in the CBI office....., When I examined him, he was having fever with bodyache and occasional vomiting tendency. His pulse was 102 and his BP was normal. I asked him.

'Do you have any chest pain or sweating?" But he did not have any of these things. So, I prescribed medicines only for fever... His examination lasted about 10 minutes."

49. To a specific query whether the CBI personnel showed him the prescription of Dr. Gopal Prasad Sinha, he replied in negative.

50. On being asked whether he respected Dr. Sinha's opinion, Dr. M.P. Singh stated "I will always give respect because he has more qualifications than me and he is senior to me. But it was my individual assesement and at that time I had not seen his prescription".

51. To the query as to what he meant by his recording on his prescription if needed he (Shri B.B. Prasad) should be hospitalised, Dr. M.P. Singh replied that he was having fever only for two or three days and at that time there was viral fever in Patna. In 80 percent of the cases the fever subsides within 48 to 72 hours. If he was having frequent vomiting or if his temperature is persistently high and not coming down even after taking the medicines or he developed some other complication, then definitely hospitalisation was needed.

52. When asked whether Smt. Rama Devi, was present while he was examining Shri B.B. Prasad, Dr. M.P. Singh replied "she was in front of the Reception Room". To a query whether he talked to her, Dr. M.P. Singh replied in negative. On being asked whether he witnessed any argument/discussion between Smt. Rama Devi and the CBI personnel, Dr. M.P. Singh replied "No, I did not witness."

Evidence of Shri Dharmendra Kumar Singh,
Escort guard to late Shri Brij Bihari
Prasad

53. During his evidence before the Committee on 6 October, 1998 when Shri Dharmendra Kumar Singh was enquired about his acquaintance with Shri Brij Bihari Prasad, he stated "I was his escort guard for 6 to 7 months".

54. When the Committee enquired as to what happened on 4 April, 1998, Shri Dharmendra Kumar Singh stated "When CBI personnel entered Shri Brij Bihari Prasad's

room, he was running a temperature of 104 degrees. A doctor also came there soon. Smt. Rama Devi said to the CBI personnel that Shri Brij Bihari Prasad may be allowed to be taken to hospital. Thereafter they could take him anywhere they wanted."

55. When asked whether he knew Shri R.K. Singh, DSP, Patna, Shri Dharmendra Kumar Singh replied in negative.

56. On being queried as to what conversation took place between Smt. Rama Devi and Shri R.K. Singh, Shri Dharmendra Kumar Singh replied "I don't know anything about this, as I was ordered to go downstairs and wait there."

57. When asked whether he came to know anything about argument between Smt. Rama Devi and Shri R.K. Singh later on, he replied in negative.

58. When confronted with the fact that he had deposed as a witness to the incident of derogatory remarks made by DSP, CBI against Smt. Rama Devi before the Judicial Magistrate, Sadar Patna, Shri Dharmendra Kumar Singh submitted that he did so at the instance of his hawaldar

Shri Lakmeshwar Saha (other escort guard) who was subsequently killed. He, however, stated that what he was stating before the Committee was the true position.

Evidence of Shri Jai Prakash Pandey

59. During his evidence before the Committee, Shri Jai Prakash Pandey informed the Committee that he is a worker of Congress Party since 1970. When queried about the incident which took place on 4 April, 1998, he stated that "Smt. Rama Devi is our member of Parliament. I hail from her parliamentary constituency. I went to meet her at about 7.00 hours that day. It was then that I came to know that her husband was unwell. While he was enquiring after the health of Shri Brij Bihari Prasad, the CBI personnel raided their residence. I came out of the room. I saw Smt. Rama Devi telling CBI people that as the condition of her husband was very grave, he needs to be hospitalised immediately."

60. When asked whether any doctor was present at that time, Shri Jai Prakash Pandey replied, "Eight to ten persons were present there. I cannot say as to who all

were present there. Smt. Rama Devi was saying to CBI personnel that doctor had advised for the hospitalisation of her husband. To this Shri R.K. Singh, DSP, CBI retorted by saying 'Tum chup raho. Chor ki biwi chorni hoti hai' (keep quiet, a wife of a thief is also a thief). When the member disclosed her identity and took objection to these remarks, Shri R.K. Singh said 'Tumhare aise kitne saansad ko hum hatkari pehana chuke hai, Tum ko bhi le jayenge (We have handcuffed many MPs like you, we will take you too). Member asked him to withdraw his words and apologise. While this altercation was going on, I left the room and went downstairs."

61. When asked whether he deposed⁹ before the Judicial Magistrate, Patna as a witness for the member with regard to her complaint in the Court regarding misbehaviour with her by Shri R.K. Singh, DSP, CBI, Patna, Shri Jai Prakash Pandey replied in affirmative.

Evidence of Shri Bhola Prasad Premi

62. During his evidence before the Committee, Shri¹⁰ Bhola Prasad Premi, informed the Committee that he knew Shri Brij Bihari Prasad.

9. See Appendix **IX**

10. See Appendix **X** for Shri Bhola Prasad Premi's deposition as witness to the incident in Court of Judicial Magistrate, Sadar, Patna, Bihar.

63. On being asked about the incident that took place on 4 April, 1998, he stated "I came from Muzaffarpur to Patna for getting some medicines, the previous day". As he learnt that Shri Brij Bihari Prasad was unwell, he called upon him the following morning (4.4.98) at about 6.30 hours. He found that the condition of Shri Brij Bihari Prasad was very bad and Smt. Rama Devi was attending to him. CBI personnel came there shortly thereafter. Smt. Rama Devi told them that her husband required hospitalisation. Doctor was present there. CBI personnel asked him to go out. He thereupon came in the attached verandah. He saw what transpired in the room from a window. When the member insisted that her husband has to be hospitalised, Shri R.K. Singh., DSP, CBI retorted by saying 'Tum chor ki patni ho. Tum bogus vote se jeeti hui saansad ho. Tumhare jaise bahut saansadon ko hum hathkadi lagaakar ghaseetate hue jail le gaye hain aur tumhe bhi le jayenge'. (you are the wife of a thief. You have won on bogus votes. We have handcuffed and dragged to jail many MPs like you. We will take you too)..... At this the member asked him to withdraw his words and apologise. He refused to apologise. I was witness to all this. Thereafter 4-5 persons took Shri Brij Bihari Prasad in a vehicle. We do not know what

happened thereafter."

64. On being specifically asked whether the doctor was present when he went to visit Shri Brij Bihari Prasad, Shri Bhola Prasad Premi replied "Doctor came after 5-10 minutes of my arrival there".

65. To a pointed query as to where the doctor was when he was asked to go out of the room by CBI personnel, Shri Bhola Prasad Premi replied, "He was sent downstairs."

IV FINDINGS AND CONCLUSIONS

66. Out of the witnesses examined by the Committee, the evidence of Shri Dharmendra Kumar Singh is totally untrustworthy and unreliable. He, of his own admission before the Committee, committed perjury in the Court of Judicial Magistrate, Patna at the time of giving his evidence in the complaint case filed by Smt. Rama Devi regarding alleged misbehaviour with her by Shri R.K. Singh. He stated before the Committee that he had deposed in the Court that he had witnessed Shri R.K. Singh misbehaving with Smt. Rama Devi on being directed to do

so by Shri Lakshmeshwar Saha, while, in fact, he was not present there at that time. He also stated that his evidence before the Committee -that he had not witnessed the incident of misbehaviour with Smt. Rama Devi - was the truth.

The Committee feel that a person who can tell lies in Court after being on oath was capable of doing the same before the Committee. The Committee are, therefore, not inclined to give any credence to his testimony.

67. The Committee note that the evidence tendered by Dr. Gopal Prasad Sinha is not capable of shedding any light on the main point at issue, viz, whether Smt. Rama Devi was misbehaved with by Shri R.K. Singh or not since according to him, he was not present in the room at the relevant time and had been asked to wait in a room downstairs.

68. His evidence is, however, relevant and material for the purpose of testing the veracity of the other two witnesses who were said to be present at the time of the incident, viz., Shri Jai Prakash Pandey and Shri Bhola Prasad Premi.

69. According to Dr. Gopal Prasad Sinha, he received a telephone call from Smt. Rama Devi's residence at about 8.30 A.M. but as he was busy seeing his patients, he did not immediately proceed for her residence. After some time, he received another telephone call - this time from Smt. Rama Devi herself - requesting him to come immediately whereupon he left for her residence. This means that Dr. Sinha must have reached Smt. Rama Devi's residence earliest by 9.30 A.M.

According to Shri Jai Prakash Pandey, he reached Smt. Rama Devi's residence at about 7.15 A.M. and when he went to the room of Smt. Rama Devi's husband, she was pleading with some persons present there to allow her to hospitalise her husband "as per doctor's advice".

70. It can, therefore, be concluded from his evidence that the Dr. Sinha was already there at 7.15 A.M. and had already advised the hospitalisation of Shri B.B. Prasad after duly examining him. This is, however, belied by Dr. Sinha's testimony who says he reached there at about 9.30 A.M.

71. Likewise, Shri Bholu Prasad Premi stated that he

reached the room of Shri B.B. Prasad at 6.30 A.M. According to him the doctor arrived there about 5 to 10 minutes after his reaching there.

Permitting the margin of error in a layman's estimate of time, according to Shri Premi, the doctor must have reached there latest by 7.30 A.M. It is very difficult to reconcile this statement with Dr. Sinha's evidence according to which he must have reached there around 9.30 A.M.

72. This raises serious doubts about the veracity of the testimonies of Shri Jai Prakash Pandey and Shri Bhola Prasad Premi and the Committee have grave doubts whether these two actually witnessed the incident of alleged misbehaviour with Smt. Rama Devi.

73. This leaves the Committee with the statement of Smt. Rama Devi, MP, against that of Shri R.K. Singh, Deputy Superintendent of Police, Central Bureau of Investigation.

The facts that Shri Brij Bihari Prasad, husband of Smt. Rama Devi, MP was running high fever and that Dr. Sinha had advised his hospitalisation are uncontroverted.

It is also established that Shri R.K. Singh, Deputy Superintendent of Police, Central Bureau of Investigation, had clear orders to arrest Shri Prasad and he had gone to his residence on 4 April, 1998 with intention to arrest him.

74 Under these circumstances, the Committee feel, the insistence by Smt. Rama Devi to get her husband hospitalised and the adamantness of Shri R.K. Singh to arrest him must have resulted in some heated exchanges between the two.

75. The Committee feel that Shri R.K. Singh should have been more careful while dealing with a member of Parliament.

The Committee, however, note that Shri R.K. Singh, during his evidence before the Committee, had tendered his apologies for having in any manner hurt the feelings of the member.

76. In view of the apologies tendered by Shri R.K. Singh, the Committee are of the view that the dignity of the House would be best served by taking no further action in the matter vis a vis allegations of derogatory

remarks made by him against Smt. Rama Devi.

77. The Committee feel that it is expected of law enforcing authorities to exercise discretion and restraint in sensitive situations while in performance of their official duties. The Committee are constrained to observe that Shri R.K. Singh was found wanting of these attributes in the instant case. The Committee find that Shri R.K. Singh was so keen on arresting Shri B.B. Prasad that he did not care to give any serious consideration to the condition of Shri B.B. Prasad and the advice by a qualified doctor for his hospitalisation.

78. The Committee observe that the illness of Shri B.B. Prasad and the consequent request for his hospitalisation are key factors in the matter under consideration. The Committee find that had Shri R.K. Singh been more tactful in the matter, the differences which cropped between him and Smt. Rama Devi could have been well avoided.

79. The Committee are of the view that given the condition of Shri B.B. Prasad, he should have been straightaway hospitalised and thereafter Shri R.K. Singh could have moved the court in the matter. The subsequent

hospitalisation of Shri B.B. Prasad by Jail authorities underscores his critical condition at the time of his arrest.

80. The Committee express their unhappiness on the conduct of Shri R.K. Singh in disregarding the advice of a qualified medical doctor and insisting upon arrest of Shri B.B. Prasad thereby complicating the entire matter.

V RECOMMENDATIONS

81. The Committee recommend that in view of their findings mentioned above (Paras 77-80 supra) their displeasure over the conduct of Shri R.K. Singh may be conveyed to the Director, Central Bureau of Investigation for such action as he deems fit in the matter.

82. The Committee also recommend that this apart, no other action need be taken in matter.

New Delhi
December, 1998
Agrahayana, 1920 (Saka)

P.SHIV SHANKAR,
CHAIRMAN,
COMMITTEE OF PRIVILEGES

MINUTES

▲

**MINUTES OF THE FIRST SITTING OF THE COMMITTEE OF PRIVILEGES HELD
ON TUESDAY, 28 JULY, 1998**

The Committee sat from 15.42 to 16.00 hrs.

PRESENT

Shri P. Shiv Shankar

- Chairman

MEMBERS

2. Shri Basudeb Acharia
3. Shri P. Chidambaram
4. Shri Bhartruhari Mahatab
5. Shri Ram Nagina Mishra
6. Shri Shyam Bihari Mishra
7. Shri Tarachand Sahu
8. Shri V. Sathiamoorthy
9. Shri P. Upendra
10. Shri Bhanu Pratap Singh Verma

SECRETARIAT

Shri V.K. Sharma

- Deputy Secretary

Shri A.K. Singh

- Under Secretary

Shri Ravindra Garimella

- Assistant Director

The Committee took up for consideration the Question of Privilege regarding alleged misbehaviour with Smt. Rama Devi, MP by the Deputy Superintendent of Police, Central Bureau of Investigation, Patna, Bihar and alleged derogatory remarks made against her and members of Parliament by him.

2. After some deliberation, the Committee decided that in the first instance, the evidence of Shrimati Rama Devi, MP might be taken. Accordingly, the Committee decided to meet again on Friday, 14 August, 1998 at 15.30 hrs. to take evidence of the member.

The Committee then adjourned.

MINUTES OF THE SECOND SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON FRIDAY, 14 AUGUST, 1998

The Committee sat from 15.30 to 16.40 hrs.

PRESENT

Shri P. Shiv Shankar - Chairman

MEMBERS

2. Shri Basudeb Acharia
3. Shri Ram Nagina Mishra
4. Shri Shyam Bihari Mishra
5. Shri Bhagwan Shankar Rawat
6. Shri Tarachand Sahu
7. Shri Mohan Singh
8. Shri V. M. Sudheeran
9. Shri P. Upendra
10. Shri Bhanu Pratap Singh Verma

SECRETARIAT

Shri G.C. Malhotra	- Additional Secretary
Shri V.K. Sharma	- Deputy Secretary
Shri A.K. Singh	- Under Secretary
Shri Ravindra Garimella	- Assistant Director

WITNESS

Shrimati Rama Devi, MP

The Committee took up for consideration the Question of Privilege regarding alleged misbehaviour with Smt. Rama Devi, MP. by Deputy Superintendent of Police, Central Bureau of Investigation, Patna, Bihar and alleged derogatory remarks made against her and members of Parliament by him.

2. The Committee examined Smt. Rama Devi, MP. on oath. During her evidence, Smt. Rama Devi handed over copies of depositions made by two escort guards of her husband, Late Shri Brij Bihari Prasad, before the Judicial Magistrate, Sadar Patna, in a case regarding the incident of alleged misbehaviour with the Member by Deputy Superintendent of Police, Central Bureau of Investigation, Patna. The Committee requested her to furnish a copy of the complaint filed by her in the Court regarding misbehaviour with her by Shri R.K. Singh, Deputy Superintendent of Police, Central Bureau of Investigation Patna.

(Verbatim record of the evidence was kept)

(The witness then withdrew)

3. The Committee decided that a copy of the notice of question of privilege given by Smt. Rama Devi may be forwarded to Shri R.K. Singh, D.S.P., C.B.I., Patna asking him to furnish his written comments thereon immediately for the consideration of the Committee. The Committee also decided that Shri R.K. Singh be asked to appear before the Committee for oral evidence at their next sitting to be held on Friday, 11 September, 1998 at 15.30 hrs.

The Committee then adjourned

MINUTES OF THE ~~THIR~~^{THIR}D SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON FRIDAY, 11 SEPTEMBER, 1998

The Committee sat from 15.35 to 16.55 hrs.

PRESENT

Shri P. Shiv Shankar

-Chairman

MEMBERS

2. Shri P. Chidambaram
3. Shri Shyam Bihari Mishra
4. Shri Bhagwan Shankar Rawat
5. Shri V. Sathiamoorthy
6. Shri Mohan Singh
7. Shri V.M. Sudheeran

SECRETARIAT

Shri G.C. Malhotra	- Additional Secretary
Shri V.K. Sharma	- Deputy Secretary
Shri A.K. Singh	- Under Secretary
Shri Ravindra Garimella	- Assistant Director

WITNESS

Shri R.K. Singh, DSP, CBI, Patna, Bihar

The Committee resumed further consideration of the Question of Privilege regarding alleged misbehaviour with Smt. Rama Devi, MP by Deputy Superintendent of Police, Central Bureau of Investigation, Patna, Bihar and alleged derogatory remarks made against her and members of Parliament by him.

2. The Committee examined Shri R.K. Singh on oath. During his evidence, Shri R.K. Singh handed over a copy of the proposal approved by Director, Central Bureau of Investigation, Eastern Zone/Central Bureau of Investigation, Calcutta for arrest of Late Shri Brij Bihari Prasad, Husband of Smt. Rama Devi, MP.

(Verbatim record of the evidence was kept)

(The witness then withdrew)

3. After some deliberation, the Committee decided to take oral evidence of the following persons:-

- (i) Prof. (Dr.) Gopal Prasad Sinha,
Patna Medical College & Hospital, Patna.

- (ii) Dr. M.P. Singh,
CGHS, Patna.
- (iii) Shri Dharmendra Kumar Singh,
Escort guard to late Shri Brij Bihari Prasad.
- (iv) Shri Jai Prakash Pandey
- (v) Shri Bhola Prasad Premi.

The Committee, accordingly decided to meet again on Tuesday, 6 October, 1998 at 15.30 hours to take evidence of the above mentioned persons.

(The Committee then adjourned)

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON TUESDAY, 6 OCTOBER, 1998

The Committee sat from 15.30 to 17.42 hrs.

PRESENT

Shri P. Shiv Shankar

-Chairman

MEMBERS

2. Shri Bhatruhari Mahtab
3. Shri Ram Nagina Mishra
4. Shri Shyam Bihari Mishra
5. Shri V. Sathiamoorthy
6. Shri Mohan Singh
7. Shri V.M. Sudheeran
8. Shri P. Upendra
9. Shri Bhanu Pratap Singh Verma

SECRETARIAT

Shri V.K. Sharma	- Deputy Secretary
Shri A.K. Singh	- Under Secretary
Shri Ravindra Garimella	- Assistant Director

WITNESSES

- (i) Prof. (Dr.) Gopal Prasad Sinha, Patna Medical College and Hospital, Patna, Bihar.
- (ii) Dr. M.P. Singh, Central Government Health Scheme, Patna, Bihar.
- (iii) Shri Dharmendra Kumar Singh, Escort guard of late Shri Brij Bihari Prasad, former Minister of Science & Technology, Government of Bihar.
- (iv) Shri Jai Prakash Pandey
- (v) Shri Bhola Prasad Premi

The Committee took up for further consideration the question of privilege regarding alleged misbehaviour with Smt. Rama Devi, MP by Deputy Superintendent of Police, Central Bureau of Investigation, Patna, Bihar and alleged derogatory remarks made against her and members of Parliament by him.

2. Prof. (Dr.) Gopal Prasad Sinha, Patna Medical College & Hospital, Patna was called in and examined on oath.

(Verbatim record of evidence was kept)

(The witness then withdrew)

3. Dr. M.P. Singh, CGHS, Patna was then called in and examined on oath.

(Verbatim record of evidence was kept)

(The witness then withdrew)

4. Shri Dharmendra Kumar Singh, Escort guard of late Shri Brij Bihari Prasad, former Minister of Science & Technology, Govt. of Bihar was then called in and examined on oath.

(Verbatim record of evidence was kept)

(The witness then withdrew)

5. Shri Jai Prakash Pandey, (a witness to the incident of alleged misbehaviour with the member) was then called in and examined on oath

(Verbatim record of evidence was kept)

(The witness then withdrew)

6. Shri Bhola Prasad Premi (another witness to the incident of alleged misbehaviour with the member) was then called in and examined on oath.

(Verbatim record of evidence was kept)

(The witness then withdrew)

7. During deliberations on the above matter some members pointed out that as per the written comments of Shri R.K. Singh, DSP, CBI, Patna, the CBI had registered case no. RC43/A/97 on 11.8.98 on the orders dated 17.7.97 of the Hon'ble High Court, Patna. Members wondered as to how a search at the premises of late Shri Brij Bihari Prasad, former Minister of Science & Technology, Government of Bihar and his arrest could have been effected by the CBI on 4 April, 1998,

- So -

when the criminal case against him in this respect was registered much later i.e. on 11.8.98. Some members felt that it was obviously a typing mistake. The Committee, however, decided that the DSP, CBI, Patna might be asked to explain in writing this discrepancy. 8. The Committee decided to meet again on Friday, 6 November, 1998 for further deliberations in the matter.

(The Committee then adjourned)

MINUTES OF THE FIFTH SITTING OF THE COMMITTEE OF
PRIVILEGES HELD ON FRIDAY, 13 NOVEMBER, 1998

The Committee sat from 15.35 to 16.10 hrs.

PRESENT

Shri P. Shiv Shankar -Chairman

MEMBERS

2. Shri Basudeb Acharia
3. Shri P. Chidambaram
4. Shri Bhartruhari Mahatab
5. Shri Ram Nagina Mishra
6. Shri Bhagwan Shankar Rawat
7. Shri Mohan Singh
8. Shri P. Upendra
9. Shri Bhanu Pratap Singh Verma

SECRETARIAT

Shri G.C.Malhotra - Additional Secretary
Shri V.K. Sharma - Deputy Secretary
Shri Ravindra Garimella - Assistant Director

The Committee took up consideration of the question of privilege regarding alleged misbehaviour with Smt. Rama Devi, MP by Deputy Superintendent of Police, Central Bureau of Investigation, Patna, Bihar and alleged derogatory remarks made against her and members of Parliament by him.

2. The Committee deliberated upon the matter in the light of facts and the evidence tendered before them, and arrived at their findings and conclusions. The Committee decided to recommend to the House that -

(i) The Committee's unhappiness/mild displeasure over the conduct of Shri R.K. Singh in disregarding the advice of a qualified medical doctor for hospitalisation of Shri B.B. Prasad and insisting upon his arrest, be conveyed to the Director, Central Bureau of Investigation.

(ii) In view of apologies tendered and regret expressed by Shri R.K. Singh, no further action need be taken in the matter.

3. The Committee directed that the draft Report in the matter on the above lines be prepared and circulated to the members of the Committee for consideration at their next sitting.

4. The Committee thereafter took note of the following:

- (i) Question of privilege regarding alleged misbehaviour with and assault on Prof (Smt.) Rita Verma, MP by the police on 10 January, 1997 at Bokaro, Bihar, a matter which remained inconclusive before the Committee of Privileges (11 LS) and was re-referred to the Committee by the Hon'ble Speaker.
- (ii) Report of the Committee of Privileges (11 LS) on 'Ethics, Standards in Public Life, Privileges, Facilities to members and Other Related Matters'.

5. The Committee decided to consider the above two matters at their next sitting and directed that memorandum and relevant evidence relating to Prof (Smt.) Rita Verma's case and copies of the Report on Ethics be circulated to members.

6. The Committee decided to meet again on Tuesday, 15 December, 1998.

(The Committee then adjourned)

MINUTES OF THE SIXTH SITTING OF THE COMMITTEE OF
PRIVILEGES HELD ON TUESDAY 15 DECEMBER, 1998

The Committee sat from 15.40 to 15.50 hrs.

PRESENT

Shri P. Shiv Shankar

-Chairman

MEMBERS

1. Shri Basudeb Acharia
2. Shri Ram Nagina Mishra
3. Shri Shyam Bihai Mishra
4. Shri P. Upendra
5. Shri Bhanu Pratap Singh Verma

SECRETARIAT

Shri G.C.Malhotra - Additional Secretary
Shri V.K. Sharma - Deputy Secretary
Shri Ravindra Garimella - Assistant Director

The Committee took up for consideration their draft First Report on the question of privilege regarding misbehaviour with Smt. Rama Devi, MP by Deputy Superintendent of Police, Central Bureau of Investigation, Patna, Bihar and alleged derogatory remarks made against her and members of Parliament by him.

2. The Committee adopted the Report without any modification.

3. The Committee authorised the Chairman and in his absence Shri Basudeb Acharia, MP to present their First Report to the House.

(The Committee then adjourned)

A P P E N D I C E S

APPENDIX - I *
((See para 9 of the Report))

28.4.98

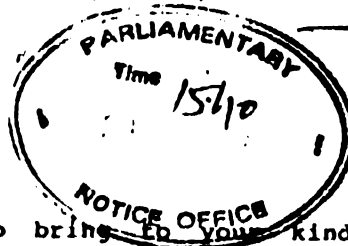
RAMA DEVI
संसद सदस्य
(लोक सभा)

Tel.No. 281255
20, Bailey Road,
Patna (Bihar)

To

The Hon'ble Speaker,
Parliament, New Delhi.

Sir,



With due respect, I beg to bring to your kind attention on the following facts :

1. That I am a Member of Parliament from Motihari Parliamentary Constituency in the State of Bihar .
2. That on 4.4.1998, I was at my husband's official residence i.e. 20, Bailey Road, Patna, attending him as he was having very high fever and was also vomiting blood and having complaint of acute pain in chest and abdomen .
3. That at about 7 A.M. in the morning, a C.B.I. team led by one Shri R.K.Singh, Deputy Superintendent of Police, CBI, Patna, came to our said residence armed with a searchorder for searching the house in connection with Special Case No. 23 of 1997, corresponding to R.C. Case No.43 of 1997, in which my husband, namely, Shri Brij Behari Prasad, the then Science and Technology Cabinet Minister, State of Bihar, was allegedly made an accused .
4. That my husband's condition was and is such serious that at the request of said Shri R.K.Singh, a famous doctor of Patna Dr. Gopal Pd.Sinha had come to see my husband while the said Team of the CBI was present there. After seeing the condition of my husband, said Dr. Sinha advised him for immediate admission in the hospital but said R.K. Singh verbally refused and even obstructed in the normal treatment of my husband . With utmost humility at my command, I requested said R.K.Singh that life of my husband be taken care of first and I be allowed to admit him at any hospital as advised by the Doctor, but said R.K.Singh humiliated me by uttering TUMHARA HUSBAND CHOR HAI AUR TUM BHI CHOR HO ". Thereupon, I disclosed my identity to him that I am a Member of Parliament and he should not utter such filthy language. The said R.K.Singh again uttered " TUMHARE ASE ASE KITNE SANSAD KO HAM HATHKARI PAHNA CHUKE HAI AUR TUMKO BHI HATHKARI LAGA DENG. TUM BOGUS VOTE SE JITI HUI SANSAD HO ".

[It was indicated on the fax confirmation report and speed post receipt attached to the notice of question of privilege that the member had given notices of question of privilege on the above subject, earlier, on 11 and 20 April, 1998. The same were, however, not received in office]

RAMA DEVI
सद सदस्य
(लोक सभा)



Tel.No. 281255
20, Bailey Road,
Patna (Bihar)

5. That,thereafter,at about 11 A.M. my husband was brought to the CBI Headquarter at Patna and from there to the Incharge court of the Special Judge, North Bihar, Patna , and there my husband was made to lie in the corridor on the floor of the court for quite some time in such condition and even in that condition, said R.K.Singh did not stop showing his contemptuous and unwarranted behaviour towards me and my husband and even ordered for dragging my husband to the Incharge Court. However, on my objection, the dragging operation could not be materialised. When I wanted to carry my husband by giving him help ,then said Shri R.K.Singh krudely pushed me aside.

Sir, it is for your kind information and taking action by putting the matter in the Privilege Committee as it was not a humiliation to me in person, rather it was a humiliation to the House in general .

Yours faithfully,

Rama Devi
(RAMA DEVI)

Member of Parliament
20, Bailey Road,
Patna- 1

APPENDIX - II
(See para 4 of the Report)

CONFIDENTIAL
MOST IMMEDIATE

NO.235/1/98-AVD.II
GOVT. OF INDIA
MINISTRY OF PERSONNEL, P.G. & PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

NEW DELHI, DATED 22.5.1998

OFFICE MEMORANDUM

SUBJECT: NOTICE OF QUESTION OF PRIVILEGE DATED 28.4.1998 GIVEN BY SMT. RAMA DEVI, M.P. REGARDING ALLEGED MISBEHAVIOUR WITH DEROGATORY REMARKS MADE AGAINST HER BY DY.SP, CBI, PATNA.


The undersigned is directed to refer to the Lok Sabha Secretariat U.O. No.4/4/98/LB-I/Priv. dated 5.5.1998 regarding notice of question of privilege dated 28.4.98 mentioned above and to forward herewith a copy of the factual note on the subject. It is requested that the above facts may please be brought to the notice of the Hon'ble Speaker before deciding the admissibility of the notice of question of privilege.

2. It is pointed out that as explained in the enclosed note case No.RC-43(A)/97-Patna to which the notice of privilege relates is sub-judice. In respect of the matter concerning the Hon'ble Member, it is respectfully submitted that no breach of privilege is involved.

3. It is requested that the above facts may please be brought to the notice of the Hon'ble Speaker of the House before deciding the admissibility of the notice of privilege.

4. This Department has no objection in bringing the above facts to the notice of the Hon'ble Member of Parliament.

5. MOS(PP) has seen.



(HARI SINGH)

UNDER SECRETARY TO THE GOVT. OF INDIA

Lok Sabha Secretariat,
(Shri V.K. Sharma),
Deputy Secretary,
Legislative Branch-I,
New Delhi.

Subject:- Notice of privilege dated 28.4.1998 given by Smt. Rama Devi, MP regarding alleged misbehaviour with and derogatory remarks made against her by DySP, CBI, Patna

The matter relates to CBI Case No. RC-43(A)/97-Patna which was registered in compliance with the orders of Hon'ble High Court of Patna dated 17.7.97 while disposing off a P.I.L. filed by guardians of aggrieved candidates of the Combined Engineering Entrance Examination, 1996. The investigation of the case was entrusted to Shri R.K.Singh, Dy SP of Patna Branch.

2. The brief run up of the allegation, as levelled in the FIR is that Shri Brij Bihari Prasad, Minister, Science And Technology, Govt. of Bihar, Shri R.C.Das Vikal, Co-Convenor of the Entrance Examination, Shri Kameswar Prasad, Principal, MIT College, Muzaffarpur and others, pursuant to a criminal conspiracy, manipulated the records of the entrance examination enabling 245 undeserving candidates aspiring for admission, to secure admission in the Engineering Colleges of Bihar.

3. Shri Brij Bihari Prasad, Former Minister, Science and Technology, Govt. of Bihar, as per evidence collected so far, has been found to be the prime mover in this case.

4. The search of the residence of the accused Shri Brij Bihari Prasad, MLA (and husband of Hon'ble MP Smt Rama Devi) was conducted on 4.4.98 after obtaining a warrant u/s 93 Cr.P.C. from the court of the CBI Special Judge at Patna. While conducting the search, all legal formalities including showing the search warrant to the accused, (his signature duly taken), presence of two

independent witnesses etc. were fully observed. During the course of search, when the accused complained of some ailment, due opportunity was given to one Dr. Gopal Prasad Sinha who was telephonically informed by the Hon'ble MP to come and attend to her husband.

5. The accused was arrested on 4.4.98 and was produced before the Special Judge on the same day. Shri B.B.Prasad did not complain of any ill-treatment by Shri R.K.Singh, Dy.SP and the I.O. of the case or against any of the officials of CBI. The Ld. Special Judge, has made a specific mention of it in the order sheet dated 4.4.98.

6. It may be mentioned here, that in a subsequent hearing in the Hon'ble High Court on 23.4.98, which is after the search conducted by the CBI on 4.4.98 and his arrest, no such complaint of harassment as alleged by Hon'ble M.P. was brought to the notice of Hon'ble Patna High Court.

7. Thus, the complaint made against the I.O. Shri R.K.Singh is an after thought. The whole purpose behind the vilification campaign against the I.O. and the investigating agency is to demoralise and to divert the attention of the investigating agency.

8. The allegation that the I.O. humiliated or mis-behaved with the Hon'ble Member of the Lok Sabha Smt Rama Devi, who happens to be the wife of Shri B.B.Prasad is not substantiated.

RAMA DEVI
रामदेवी सदस्य
(लोक सभा)



Tel.No. 281255
20, Bailey Road,
Patna (Bihar)

To

The Hon'ble Speaker,
Parliament, New Delhi.

Sir,

With due respect ,I beg to bring to your kind attention on the following facts :

1. That I am a Member of Parliament from Motihari Parliamentary Constituency in the State of Bihar .
2. That on 4.4.1998, I was at my husband's official residence i.e. 20, Bailey Road, Patna, attending him as he was having very high fever and was also vomiting blood and having complaint of acute pain in chest and abdomen .
3. That at about 7 A.M. in the morning, a C.B.I. team led by one Shri R.K.Singh, Deputy Superintendent of Police, CBI, Patna, came to our said residence armed with a searchorder for searching the house in connection with Special Case No. 23 of 1997, corresponding to R.C. Case No.43 of 1997 ,in which my husband ,namely, Shri Brij Behari Prasad, the then Science and Technology Cabinet Minister, State of Bihar, was allegedly made an accused .
4. That my husband's condition was and is such serious that at the request of said Shri R.K.Singh, a famous doctor of Patna Dr. Gopal Pd.Sinha had come to see my husband while the said Team of the CBI was present there. After seeing the condition of my husband, said Dr. Sinha advised him for immediate admission in the hospital but said R.K. Singh verbally refused and even obstructed in the normal treatment of my husband . With utmost humility at my command, I requested said R.K.Singh that life of my husband be taken care of first and I be allowed to admit him at any hospital as advised by the Doctor, but said R.K.Singh humiliated me by uttering TUMHARA HUSBAND CHOR HAI AUR TUM BHI CHOR HO ". Thereupon, I disclosed my identity to him that I am a Member of Parliament and he should not utter such filthy language. The said R.K.Singh again uttered "TUMHARE ASE ASE KITNE SANSAD KO HAM HATHKARI PAHNA CHUKE HAI AUR TUMKO BHI HATHKARI LAGA DENGE. TUM BOGUS VOTE SE JITI HUI SANSAD HO ".



माननीय अन्तरिक्ष मंत्री,
लोक सभा।

महोदय,

श्रीमान् कै. सिंह - जी. एस. पी. पटना (C.B.I.)
के निरुद्ध - मैन - आपना (नशीलाधिकार) हवन
है - हो साध विमल जी प्रमोदर - के लिए,
आपके पास आवेदन किया है। मैंने इसे फ़ैसल
मैसज-उमर फ़िनांक - 3-4-78 एवं डाक द्वारा
फ़िनांक 9-4-78 को भेजा है।

अनुसूचित है कि मुझे आज सफ़्त में
इस सदन की अनुमति दी जाए।

माननीय
सामाजिक
7/4/78

8/4/78

RAMA DEVI
संसद सदस्य
(लोक सभा)



Tel.No. 281255
20, Bailey Road,
Patna (Bihar)

-2-

5. That,thereafter,at about 11 A.M. my husband was brought to the CBI Headquarter at Patna and from there to the Incharge court of the Special Judge, North Bihar, Patna , and there my husband was made to lie in the corridor on the floor of the court for quite some time in such condition and even in that condition, said R.K.Singh did not stop showing his contemptuous and unwarranted behaviour towards me and my husband and even ordered for dragging my husband to the Incharge Court. However, on my objection, the dragging operation could not be materialised. When I wanted to carry my husband by giving him help ,then said Shri R.K.Singh crudely pushed me aside.

Sir, it is for your kind information and taking action by putting the matter in the Privilege Committee as it was not a humiliation to me in person, rather it was a humiliation to the House in general .

Yours faithfully,

Rama Devi
(RAMA DEVI)

Member of Parliament
20, Bailey Road,
Patna- 1

Copy to :

1. The Director ,CBI,New Delhi,
for proper action against said
D.S.P. Sri R.K.Singh with
profound request to change the
said Investigating officer in
the name of justice and fair
play .

APPENDIX - IV

(See para 16 of the Report)

Extracts from Lok Sabha Debates
dated 8 June, 1998.

श्रीमती रम्य बेदी (मोदीवादी): सम्प्रति महोदय, मेरी बात सुनी जाए। यह महिला का मामला है, मेरी बात सुनी जाये।

मेरे साथ चार लाठीका को डी.एस.पी. सी.बी.आई. के द्वारा जो दुर्व्यवहार हुआ, मैं उसके विषय में कहना चाहती हूँ। मैंने यहाँ पर रिक्लेम प्रोग्राम का नोटिस 5.4.98 को और 9.4.98 को भी अध्यक्ष महोदय को दिया था। मेरे साथ जो व्यवहार किया गया है, गलत-गलत बातें का इस्तेमाल किया गया है, मैंने उसे कानून में लिखा हुआ है। ... (व्यवधान) जब भी वे मेरे घर में सर्च करते करने के लिए आते थे, मैंने उनसे कोआपरेट किया था। सारी चीजें खोलकर दी थी, पूरी अलमारी खोलकर रख दी। समूचा देश मेने के साथ उन्हें कुछ नहीं दिया, फिर भी मेरे हस्बैंड को 185 डिग्री बुद्धि में ले ले गये। मैंने कहा कि इन्फ्रान्च पाइले इलाज करा दिया जाये। फिर वे हमसे उल्टे सीधे सवाल करने लगे और कहा कि और कहीं नहीं पत्नी तुम भी खोर हो। ... (व्यवधान) तुम्हारे पीले किलने ही साँसों को हचकाड़ी पहना दिया है, तुम्हें भी पहना देंगे। ... (व्यवधान) तुम इतने कम पीट से जीतने वाली महिला हो। इस शब्द का जो इस्तेमाल किया है, उसका हम हिस्सा चाहते हैं। आप क्या चाहते हैं? ... (व्यवधान) सम्प्रति महोदय : आप बैठिये। यह मीटर स्पीकर साहब की कंसीडरेशन स्टैंज पर है, इसलिए उसके बारे में स्पीकर सोचेंगे और आपको बता देंगे।

... (व्यवधान)

सम्प्रति महोदय : मैंने कहा था, स्पीकर महोदय के कंसीडरेशन में है, उसके बाद आपको बताया जाएगा।

श्रीमती रम्य बेदी (मोदीवादी): उसके लिए क्या किया जाये?

कार्यपालक भूषिका (कमरा): यह महिला सदस्य के साथ दुर्व्यवहार का मामला है।

श्रीमती रम्य बेदी (मोदीवादी): ऐसी बात बोलने के लिए उनका क्या किया जाये?

सम्प्रति महोदय : आपने जो मीटर स्पीकर साहब को बताया था, उसके बारे में स्पीकर साहब फैसला लेंगे और आपका कदम उठाएंगे।

... (व्यवधान)

श्रीमती रम्य बेदी (मोदीवादी): यह महिला सदस्य का मामला है।

सम्प्रति महोदय : यह मीटर स्पीकर के कंसीडरेशन में है, अभी हम इसपर नहीं बोल सकते हैं। ... (व्यवधान)

MR. SPEAKER : Madam, you please understand the point. You represented to me. I have taken a decision. You have asked me to send it to the Privileges Committee. Your leaders also agreed to it. So, I have sent it to the Privileges Committee. What more do you want?

... (Interruptions)

MR. SPEAKER : I have already sent it to the Privileges Committee. That is what you have asked for.

APPENDIX V

(See para 22 of the Report)

Documents furnished by Smt. Rama Devi.MP:-

- (i) Copy of complaint filed by Smt. Rama Devi.MP with the Chief Judicial Magistrate, Patna, Bihar regarding misbehaviour with her by Shri R.K. Singh, DSP, CBI, Patna.
- (ii) Examination of complainant in the Court.

In

The Court of Chief Judicial Magistrate,
Complaint Case No.456(C) of 1998.

1. Name and Address of the Complainant;

Srimati Rama Devi wife of Sri Brij
Bihari Prasad, resident of 20-Bailey
Road, P.S. Sachivalaya, Dist. Patna.

2. Name and address of the Accused persons;

1. R.K. Singh, Dy. Superintendent of
Police C.B.I., Patna.

3. Date of the Occurrence; 4.4.1998

4. Place of the Occurrence; 20. Bailey Road,
Patna

Patna and Civil Court premises, Patna.

5. Offence under section:U/s 307, 500, 504 @
109, 114 and 115 of I.P.C.

6. Name of the Witness:

1. Sri Brij Bihari Prasad

2. Lakshmeshwar Sahi

3. Dhirendra Kumar

4. Birendar Singh

and many others.

The complainant begs to state as follows:

-

1. That the complainant is a citizen of
India and she is member of Parliament elected
from Motihari Parliamentary constituency.

2. That the complainant has got high respect
and holds command in the Society.

3. That on 4th April, 1998 the accused Sri
R.K. Singh along with other officials raided the
residence of complainant's husband at 20-Bailey

Road, Patna at 7.00 A.M. in connection with Special case no.23 of 1997 corresponding to R.C. case no.43 of 1997 corresponding to R.C. case no.43 of 1997 pending in the Court of special Judge, CBI North Bihar, Patna.

4. That the complainants husband Brij Bihari Prasad was very seriously ill at the relevant time and was running abnormal high temprature with the acute chest pain, vomiting of blood and acute abdominal pain and he apprised this th the accused R.K. Singh and other members of the team of CBI Patna.

5. That the complainant was present at the time of raid and was attending her husband. She told the accused to allow her to get her husband admitted to hospital as advised by the doctor and the search matter be continued.

6. That the accused R.K. Singh, upon the request of complainant, humiliated the complainant and her husband and uttered filthy language to the complainant. The accused R.K. Singh uttered the following words;

"CHOR KI BIBI CHORNI HIN HOGI. TUMHARE YAISE KITNE SANSAD KO HATHKADI PAHANA DIYA HAI". "TUMKO BHI HATHKADI LAGAKAR GHSITKARLE JAUNGA. ROGUS VOTE PER GITE SANSAD HO".

7. That the above remarks given by the accused R.K. Singh was heard by several persons who had come to see and meet the complainant and her husband.

8. That the above said remarks were circulated and discussed before other persons and also published in the newspaper.

9. That the complainant's prestige was degraded intentionally, due to above said remarks in the eyes of complainant's friends, political circle and in general public.

10. That the accused R.K. Singh passed such remarks intentionally in order to harm the reputation of the complainant.

11. That the above said allegation/remarks has been made by the accused, not in a good faith, but intentionally to harm and malign the reputation of the complainant.

- 65 -

12. That the Complainant asked the accused to withdraw the remarks and make apology for the said defamatory remarks against her but the accused person neither withdraw the remarks nor made an apology for the same.

13. That the Complainant's husband, however remained in such condition without proper medicine care and then after close of the search at about 11.00 A.M., the Complainant's husband was brought to the CBI, Head quarter at Patna and from there to the Court and there he was made to lie in the corridor on the floor of the Court for quite some time in such condition and in that condition Shri R.K. Singh did not stop showing his contemptuous and unwarranted behaviour towards the petitioner's husband and even ordered for dragging the Complainant's husband to the incharge Court. The accused R.K. Singh even did not provide facility of stretcher etc. and the Complainant's husband remained without any medicine and attendants since 7.00 A.M. in the morning till he was sent to Beur Jail in the late afternoon.

13. That the accused R.K. Singh did all acts intentionally which might be caused death to the Complainant's husband.

14. That the accused R.K. Singh is liable to be punished for his acts under Sections 307, 500, 504, 109, 114 and 115 of the Indian Penal Code.

It is, therefore, prayed that your Honour may be pleased to take cognizance of the case and put the accused to face trial.

And for this the Complainant shall ever pray.

Sd/-

Rama Devi

EXAMINATION OF COMPLAINANT ON SOLEMN AFFIRMATION

28.4.98

*I know the parties (to the case) and am aware of the incident.

*I am a member of Parliament from Motihari Constituency.

*I have filed this case against Shri R.K. Singh, DSP, CBI.

*The incident occurred on 4.4.98.

*The above said officer alongwith other officials came to the official residence of my husband - 20, Bailey Road. They came at 7.00 AM.

*At that time my husband was seriously ill with 105 f fever and complaints of pain in stomach and chest. He has also vomited blood.

*I was looking after my husband.

*At that time, Dr. Gopal Prasad had come to the residence and advised immediate hospitalisation of my husband.

*The said doctor, my husband and I requested the said officer to allow my husband to be hospitalised and that he may continue with his raid.

*At this, Shri R.K. Singh abused me in filthy language and said, 'wife of a thief, you are also a thief' and that he will handcuff me and take me dragging along with him.

*He also said that I was an MP who had won on bogus votes.

*At that time people from my and my husband's constituency were present at the residence.

*All these remarks were heard by them. This resulted in my insult and loss of my dignity.

*I have a reputation in the society.

*I am an income-tax payee.

*My reputation was wilfully lowered.

*I asked the accused to apologise and to take his words back but he refused.

*The accused took my husband to the CBI office and from there to the Court.

*The accused did not permit my husband to take any medicine or bed and dragged him.

*In spite of my pleas they took him along dragging.

*He was not permitted to have food.

*~~The~~ accused wilfully designed for my husband's death.

*The accused are liable to be punished.

XXXXXXXXXXXXXXXXXX

*I came to Patna from Delhi on 28.3.98.

*My husband was at his residence at that time.

*My husband was under the treatment of Dr. T.K. Jha and Dr. D.M. Jha, both of Muzaffarpur, since 29.3.98.

*From 2.4.98 onwards he was under treatment of Dr. Gopal Prasad.

*Dr. Sukul also came to the residence.

*On 4.4.98, the doctor was called. He came after 7 AM.

*The doctor had also given written advice in addition to prescription.

*The above said S.P. had search warrants issued by Court.

*The search warrants were shown to my husband after which the search was conducted.

*During the search, I was abused.

*The said doctor did not hear those abusive remarks.

7. - 69-

*My husband and others people of my constituency heard the abusive remarks.

*Persons belonging to my and my husbands constituency were present in the verandah of my residence.

*I was with my husband who was lying in the room.

*The DSP was not conducting the search personally.

*I, my husband and the DSP were in the same room.

Sd/-
Illegible

Sd/-
Smt. Rama Devi
28.4.98

APPENDIX VI

(See para 22 of the Report)

Copies of depositions made by two escort guards of husband of Smt. Rama Devi's, late Shri Brij Bihari Prasad, before the Judicial Magistrate, Sadar Patna, in a case regarding the incident of alleged misbehaviour with the member by DSP, CBI, Patna, Bihar. ;Handed over by the member during her evidence before the Committee on 14 August, 1998.

Form of heading of deposition

Case No. 456/C:98

T.R. No. 35/98

Deposition of witness No. 1 for the complainant
aged about 48 years. Taken on Solemn Affirmation on
the 2 May, 1998

My name Shri Laxmeshwar Shah

I am son of Shri Ram Vilash Shah

My age is 48 years.

I am by religion - Hindu

My nationality is Indian

My home is at Mauja - Muzaffarpur Police Station -
District - Muzaffarpur

I reside at present in Mauja - same, Police Station - same
District - same, I am - Havaladar and escort guard of
Shri Brij Vihari Prasad.

1. I know both the sides.
2. The incident took place on 4.4.98 at around 7.30 A.M.
3. On that day, a search was conducted at the official residence of Shri Brij Vihari Prasad. At that time I was present there. He was running 104 degree fever and was having pain in his chest. Smt. Rama Devi was attending her husband.
4. At the time of search the complainant told Shri R.K. Singh that get her husband admitted in the hospital.
5. On this, Shri R.K. Singh said that you are the wife of a thief so you are a thief too. I have handcuffed several Members of Parliament like you and you will also be dragged with handcuffs on and you won the elections with bogus votes.
6. On this Smt. Rama Devi said that you withdraw your words and apologies. I neither apologised nor withdrew his words. Smt. Rama Devi has been elected to the Parliament from Motihari.

7. Sh. R.K. Singh

...2...

9. Smt. Rama Devi is a well reputed person in society.
10. This incident has degraded the prestige of Smt. Rama Devi.
11. Several persons were present there and witness to the incident.

.....Cross examination.....

12. We were asked to left from that place. and I was present in the Verandah.
13. The people belonging to the constituency also present there in the Verandah.
14. We heard abusive language from there.

Sd/- Mohd Zafer Imam
Judicial Magistrate- Patna
25-5-98

Sd/- Laxmeshwar Shah
2-5-98

Form of heading of deposition case No. 456(C) 98.

Case No. 456 (c) 98 T.R.No. 35/98

Deposition of witness No. 2 for the complainant aged about 28 years. Taken on Solemn Affirmation on the 23rd day of May 1998.

My name Shri Dharmendra Kumar Singh.

I am son of Shri Bhagwan Singh. My age is 28 years.

I am by religion-Hindu. My nationality is Indian and I belong to Scheduled Caste/Scheduled Tribe.

My home is at Mauja Chaivasi, Police Station - Kachhuan, District - Rohtash,

I reside at present in Mauja Police Station District where I am escort guard of Shri Brij Vihari Prasad, M.L.A.

- 1) I know both the sides. The incident took place on 4.4.98 at around 7.30 A.M.
- 2) On that day, a search was conducted at the official residence of Shri Brij Vihari Prasad. At that time, we, people were present in the Verandah of his residence.
- 3) At this time, the complainant was attending her husband. She told Shri R.K. Singh that first of all get her husband admitted in the hospital then conduct the search. On this Shri R.K. Singh said that you are the wife of a thief so you are a thief too. I have handcuffed several Members of Parliament like you and you will also be dragged with handcuffs on and you won the election with bogus Votes. On this, Smt. Rama Devi said that you withdraw your words and apologise. He neither apologised nor withdrew his words. Other persons, also present there and also were witness to the incident. Smt. Rama Devi is a well reputed person in society. This incident has degraded the prestige of Smt. Rama Devi.
- 4) At that time, Shri Brij Vihari was running 104-105

- 74 - - . -

degree fever and was having pain in his chest.

Cross Cross Cross --

- 5) Doctor had checked him up. At that time we were present there.
- 6) We heard abusive language in the Varandah.
- 7) Derogatory language was repeatedly used twice or thrice.
- 8) After that he was told to withdraw his words.
- 9) After that we were asked to left from that place.

Sd/not clear

23.5.98

JN

Sd. Dharmendra Kumar Singh

23.5.98

Typed Compared Read

APPENDIX VII
(See para 24 of the Report)

**Central Bureau of Investigation
Government of India
Patna**

No 904 /3/43/A/97-Pat

Dt. 26.8.98

To

The Hon'ble Speaker
Lok Sabha
New Delhi

Through - Proper Channel

sub: Question of privilege regarding alleged misbehaviour with derogatory remarks against Hon'ble MP Smt. Rama Devi by R.K. Singh, Dy. SP, CBI, Patna

Ref: Office memo No 5/2/98-LB-1/Priv dt 14.8.98 of Dy. Secy., Lok Sabha Secretariat (Legislative Br.-I) Parliament House Annex, New Delhi and addressed to the Minister of Personnel, Public Grievances & Pension, Govt. of India and a copy endorsed to me

Sir,

The CBI Patna Branch had registered case No RC.43/A/97 on 11.8.98 on the orders dated 17.7.97 of the Hon'ble High Court, Patna. Investigation of this case was entrusted to me.

2. The FIR was registered against Shri Brij Bihari Prasad & others for commission of offences punishable under Sec. 120-B, 420, 409, 467, 468 of the Indian Penal Code and Sec. 13(2) r/w 13(1) (d) of the Prevention of Corruption Act 1988 on the allegation that Sri Brij Bihari Prasad, Minister, Science & Technology, Govt. of Bihar, Shri R.C. Das Vikal, Co-convenor of the Entrance Examination, Dr. Kameshwar Pd., Principal, MIT, Muzaffarpur and others conspired to manipulate the records of the examination and thereby benefited 245 candidates who got admission to the various engineering colleges on the basis of the fraud and manipulations done by the above mentioned persons.

(Annexure-I)

After the registration of the aforesaid case, the Hon'ble Court, Patna started closely monitoring the investigation of the case, looking to the gravity of the offences and the involvement of political leaders of higher stature. Periodical reports regarding the progress made in the investigation were being submitted to the Hon'ble High Court. Although, Shri Brij Bihari Prasad, the then Minister, Science & Technology and husband of the Hon'ble MP Smt. Rama Devi was a named accused in the FIR, yet CBI

did not resort to search of his premises until April'98 when, sufficient evidence against him had surfaced. The evidence against Shri Brij Bihari Prasad was analysed by the senior officers of CBI at various levels and as per the decision taken by the competent authority, the house search of Shri Brij Bihari Prasad, MLA and husband of Hon'ble MP, Smt. Rama Devi was conducted on 4.4.98 after obtaining the search warrant u/s 93 CrPC from the Court of Spl Judge, CBI/Patna. This was well within my knowledge that I was conducting searches of a high dignitary whose wife Smt. Rama Devi was an Hon'ble M.P. All courtesy and respect were shown to them during the search operations. The search was conducted after observing legal formalities in the presence of two independent witnesses. Apart from that, seven officers/officials of this branch also participated in the search.

✓ During the course of the search, the accused BB Prasad complained of fever and as such due opportunity was given to him to call his family doctor. Accordingly, on the telephonic information of the Hon'ble MP Smt. Rama Devi, one Dr. Gopal Prasad Sinha attended on Shri Brij Bihari Prasad, accused. After the search was completed, the search list was prepared and the same was shown to the accused Shri Brij Bihari Prasad in the presence of Hon'ble MP Smt. Rama Devi and a copy thereof was given to him under his signatures. It is noticeable that the accused BB Prasad has not at this stage found any reason to record his protest or complaint regarding any misbehaviour/harassment, etc. caused by me to him or his wife Smt. Rama Devi, MP.

While the search was in progress, SP, CBI, Patna also visited the search premises and supervised the search operations for some time. After discussing about the condition of the accused Shri Brij Bihari Prasad, vis-a-vis the requirement of the custodial interrogation, accused Shri Brij Bihari Prasad was arrested. Since the accused complained of fever, it was felt expedient to get him examined by another doctor and for this purpose, the accused was brought to the CBI office. The Hon'ble MP Smt. Rama Devi also accompanied her husband to CBI office of her own volition. It was in the presence of the Hon'ble MP that the accused was again examined by Dr. MP Singh of the Central Govt. Health Scheme (CGHS), Patna. As per the advice of the doctor, medicines were provided to the accused Brij Bihari Prasad. The arrest memo was signed by the Hon'ble MP Smt. Rama Devi. Here again the Hon'ble MP did not record her protest and complaint of misbehaviour/harassment alleged to have been done by me.

(Annexure-II)

After medical examination and medication by the doctor, the accused Brij Bihari Prasad was taken to the court to be produced before the designated court of CBI/Patna. The Hon'ble MP Smt. Rama Devi accompanied her husband of her own volition to the court. In the court room, the accused was produced. Then as per legal requirements, the Hon'ble Spl. Judge, CBI asked the accused in the presence of the Hon'ble MP Smt. Rama Devi whether he had any complaint to make regarding the arrest, against the I O and the escort party. The court in its order dated 4.4.98 thereafter has recorded as under:

"Brij Bihari Prasad, s/o Yadav Chandra Prasad, vill. Bherihari, Post Adapur, Dist. E. Champaran, Bihar, at present official residence, Bailey Road, opposite BPSC, Patna, the then Minister, Science & Technology, Govt. of Bihar, has been produced after his arrest by the I.O. of this case. He has no complain against the I.O. of the case or the escort party. The arrest memo produced in court shows that Smt. Rama Devi, w/o Shri Brij Bihari Prasad has been informed about his arrest."

After the accused Brij Bihari Prasad was remanded to judicial custody, a petition was filed on behalf of accused Brij Bihari Prasad for sending accused Brij Bihari Prasad to PMCH for his treatment on account of his illness. The Spl. Judge, CBI, Patna has observed as under:

"Perused the records alongwith the forwarding memo. The photocopy of the prescription of the doctor of PMCH and CGHS has been filed which show that the petitioner is running under temperature. From the prescription, it also appears that the petitioner is running under temperature for which medicines have been prescribed by the doctors.

"Considering the facts, circumstances and reports of the doctor, I do not think it proper for making any direction to shift Brij Bihari Prasad to any hospital. Moreover in the jail manual there are proper safeguards for treatment of ailing inmates of the jail, and it is expected that the Jail Supdt., Buer Jail will provide medical assistance to Brij Bihari Prasad in accordance with the jail manual, if required. Accordingly inform the Jail Supdt. to provide medical assistance to BB Prasad in accordance with the jail manual, if so required."

It may be mentioned that while filing this petition on behalf of the accused before the designated court, no mention was made of any harassment or misbehaviour on my part with the Hon'ble MP Smt. Rama Devi or accused BB Prasad or with any other family members of the accused.

(Annexure - III)

It may be mentioned that their family doctor, Dr. Gopal Pd. Sinha had advised for the admission of the accused in Kurji Holy Family Hospital, after his examination during the searches. In order to be doubly sure about the real nature and extent of ailment, it was considered appropriate in the given circumstances to obtain second medical opinion also. Keeping in view the aforesaid facts, the accused, BB Prasad was again got examined by Dr MP Singh of CGHS/Patna. This doctor prescribed the medicines and advised to assess the condition of the accused Brij Bihari Prasad and refer him, if needed, to the hospital. The Hon'ble Spl. Judge, CBI, Patna while rejecting the prayer of the accused for shifting him to PMCH, Patna for treatment has observed that:

"It is not proper for making any direction to shift accused to any hospital. The jail authorities will provide medical assistance to accused Brij Bihari Prasad in accordance with the jail manual."

The allegation of the Hon'ble MP that her husband Brij Bihari Prasad was not allowed medical treatment followed by admission to the Kurji Hospital as per the advice of her family doctor, Dr Gopal Pd. Sinha, is not correct in view of the re-examination by another doctor and the observation of the Presiding Officer of the court, who too did not agree for the hospitalisation of accused Brij Bihari Prasad. From the above, it is clear that the condition of accused BB Prasad was not so alarming which necessitated his shifting to Kurji Hospital. This fact is also corroborated in as much as that accused BB Prasad had given his statement u/s 161 CrPC in the CBI office. If the condition of the accused Brij Bihari Prasad was so serious in nature, then he could not have given his statement.

The allegation that I had abused her and passed such derogatory remarks against her during the search operations on 4-4-98 is malicious in nature and an after thought. This has been done with a view to teach me a lesson for not having obliged the Hon'ble MP by way of not arresting her husband which otherwise also I was unable to do and also to stall the criminal proceedings against her husband and to demoralise me in particular and the CBI in general. I again reiterate that no such harassment/humiliation was caused to the Hon'ble MP Smt. Rama Devi. All respect was shown to her and her family members by me and other members of the search party during the entire search operation.

It may be mentioned that Hon'ble MP Smt. Rama Devi also lodged a complaint dated 9-4-98 against me to the Chairman National Human Rights Commission (NHRC) also and has made allegations of inhuman behaviour towards her husband during the search operations in this case on 4-4-98 at his official residence. However, in this complaint to the NHRC, the Hon'ble MP Smt. Rama Devi did not mention any misbehaviour on my part towards her or passing derogatory remarks against anybody.

(Annexure - IV)

It is further pointed out that Hon'ble Smt. Rama Devi has also lodged a complaint case against me on 7-4-98 in the Court of Chief Judicial Magistrate, Patna vide complaint no.456/1998 for alleged commission of offences u/s 307, 500, 504, 109, 114 and 115 of IPC alleging similar charges of misbehavior and harassment to the Hon'ble MP Smt. Rama Devi and her husband Brij Bihari Prasad. It was also alleged in the complaint that the I.O. had not provided medical facilities which might have caused death to her husband.

(Annexure - V)

Incidentally the accused late Brij Bihari Prasad, who was getting treatment at Indira Gandhi Institute of Medical Sciences, Patna in judicial custody in this branch

case, was gunned down on 13.6.98, by his political opponents. It may be relevant in this context to mention that Devendra Dubey, who was fighting the last Lok Sabha elections from the Mothihari Constituency against the Hon'ble MP Smt. Ram Devi, was gunned down by some assailants in the midst of election campaign. Accused Brij Bihari Prasad, h/o Hon'ble MP Smt. Ram Devi was one of the FIR named accused in that case.

After the murder of the accused BB Prasad, Smt. Rama Devi, Hon'ble MP came with a mob to the CBI office at 3.00 AM on 14.6.98 and wanted to gate-crash into the CBI office. She raised intimidating slogans against me and the CBI in general. The local police authorities, however, controlled the situation. Smt. Rama Devi had again reportedly taken out a rifle and rushed in the daytime towards the CBI office from her residence which is at a distance of about one furlong. She was, however, prevented midway by the people around.

(Annexure-VI)

Hon'ble MP Smt. Rama Devi again raised hue and cry in the Parliament on 4.7.98 alleging my involvement as a conspirator in the murder of her husband Brij Bihari Prasad and also asked for my hanging.

(Annexure-VII)

The sequence of events right from the leveling of allegations of harassment and humiliation to the last allegation of my involvement as a conspirator in the murder, show that the Hon'ble MP, Smt. Rama Devi was bent upon ruining my life and career as I had failed to accede to her demand for not arresting her husband, and seize two invalid Arms licenses in her name and cash of over Rs 2 lacs during the searches.

In the last, I may put up before the Hon'ble Privilege Committee that the allegations levelled by the Hon'ble MP Smt. Rama Devi are baseless and motivated as would well be inferred from the following:

- i) No such complaint was made to my superior officers either at the time of conduct of the search or thereafter when the Hon'ble MP had come to the CBI Office with her husband.
- ii) No complaint on this aspect was made before the Spl. Judge by the Hon'ble MP at the time of the production of her husband after his arrest.
- iii) No such allegations were mentioned in the petition filed immediately after her husband was remanded to the judicial custody on 4.4.98 for the admission of her husband in the PMCH for medical treatment.

iv) When the Hon'ble MP failed in her attempt to prevent the arrest of her husband on 4/4/98, secondly when she failed to get favourable orders of the Spl Judge for the admission of her husband in PMCH on 4.4.98 and lastly when she failed in her attempt to get release orders of her husband on 6.4.98 from the Court of Spl Judge, Patna, Hon'ble MP Smt Rama Devi, filed a complaint case no. 456 on 7-4-98 in the Court of the Chief Judicial Magistrate, Patna against me out of the sheer frustration

v) The allegation that inspite of her husband running abnormal high temperature with acute chest pain, vomiting of blood and acute abdominal pain, I did not allow hospitalization of her husband on the advice of her family doctor, Dr G.P.Sinha, which might have been fatal, is totally incorrect and the same is denied, as neither her family doctor, Dr G P Sinha nor CGHS doctor, Dr M.P Singh mentioned such ailments in their prescriptions/ medical advice

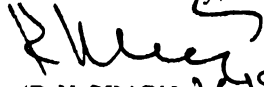
vi) The allegation that I humiliated her by uttering filthy language in Hindi "TUMHARA HUSBAND CHOR HAI AUR TUM BHI CHOR HO, TUMHARE ASE ASE KITNE SANSAD KO HAM HATHKARI PAHNA CHUKE HAI AUR TUMKO BHI HATHKAR! LAGA DENGE TUM BOGUS VOTE SE JITI HUI SANSAD HO" is self contradictory as such remarks did not find mention in the complaint filed by the Hon'ble MP with NHRC on 9/4/98

vii) That the mental agony of Hon'ble MP aggravated in the course of time due to continued detention of her husband in judicial custody, she raised the instant Privilege Question in the Parliament on the point of inhuman behaviour and passing derogatory remarks. Here the Hon'ble MP mentioned "TUMHARA HUSBAND CHOR HAI AUR TUM BHI CHOR HO" which is also contradictory to the allegation "CHOR KI BIBI CHORNIHI HOGI" mentioned in the complaint filed in the court of CJM Patna.

viii) When the agony of the Hon'ble MP reached its climax due to the murder of her husband, she hardened her acromonies by charging me for the murder of her husband and craved in the august house on 8/7/98 for my hanging.

It is, therefore, humbly submitted before the Hon'ble Lok Sabha that I have not in any way attempted to humiliate or misbehave with Hon'ble MP Smt Rama Devi or have acted in any way which may lower the prestige of the august house. I have discharged my duties as an Investigation Officer with diligence in a fair manner keeping myself well within the parameters set by the law of the land.

Yours faithfully,


(R.K.SINGH) 26/8/98
Dy.SP/ CBI/ PATNA

Encl: Annexures

- 81 -

ANNEXURE 1

DELHI SPECIAL POLICE ESTABLISHMENT::BIHAR::PATNA BRANCH II.

FIRST INFORMATION REPORT

(Recorded u/s 154 Cr.P.C.)

Crime No. RC.43(A)/97-Pat. Date and time of Report: 11.8.97 at 14.00 hrs.

Place of occurrence with State:: Muzaffarpur, Bihar.

Date and time of occurrence: During the year 1996.

Name of complainant or Informant with address As per order of Hon'ble High Court, Patna. on 17.7.97 in CWJC Nos.7666, 7779 & 8122 of 1996.

Offence: U/s 120B,420,409,467,468 IPC & Sec.13(2) r/w 13(1)(d) of P.C. Act 1988.

Name and address of the accused:

1. Shri R.C. Das 'Vikal', Co-Convenor, Combined Engineering Entrance Examination Committee, MIT, Muzaffarpur.
2. Shri Brij Bihari Prasad, Minister, Science & Technology, Government of Bihar, Patna.
3. 245 Nos. of examinees of Combined Engineering Entrance Examination 1996, (Respondents from Sl.No.5 to 1249 as per enclosed list and as mentioned in the Civil Writ-jurisdiction Case No.7666 of 1996 filed before the Hon'ble High Court of Judicature at Patna).
4. Dr.Kameshwar Prasad, the then Principal of MIT, Muzaffarpur (Now retired)
5. Others Unknown.

Action taken Regular case registered.

Investigating Officer: Shri R.K. Singh, Dy.S.P., CBI, SPE, Patna.

INFORMATION.

Hon'ble High Court at Patna in its judgement dated 17.7.97 in Civil Writ Jurisdiction Case (CWJC) Nos.7666, 7779 & 8122 of 1996 ordered Central Bureau of Investigation, Patna to investigate the matter relating to bunglings, manipulations and fraud committed in the conduct of the Combined Engineering Entrance Examination (C.E.E. ...).

1966 by Shri R.C. Das 'Vikal', Co-Convenor of the Entrance Examination Committee; Shri Brij Bihari Prasad, Minister, Science & Technology, Govt. of Bihar, Patna; 245 Nos. of examinees of the said examination who got themselves admitted to different Engineering Colleges by securing their names in the merit list so prepared for the purpose by using unfair means on being provided/facilitated by the aforesaid Co-Convenor and the Minister on extraneous/pecuniary considerations.

The appointment of Dr. R.C. Das 'Vikal' as Co-Convenor was against the extant rule (Combined Engineering Entrance Examination Rule 1991). It is alleged that Dr. K. Prasad, the Principal of M.I.T., Muzaffarpur and the convenor of the examination Committee, dishonestly proposed the name of Dr. R.C. Das, for appointment as co-convenor of the Committee, to the Government. Dr. R.C. Das was also close to the Minister Dr. Brij Bihari Prasad. It is also alleged that Dr. R.C. Das was illegally appointed as co-convenor only because of his closeness with the Minister Dr. Brij Bihari Prasad who was deeply interested in getting his own man appointed as Co-Convenor for some ulterior motives. Dr. R.C. Das 'Vikal' was the Ph.D. Guide of Dr. Brij Bihari Prasad.

The Engineering Entrance Examination for the year 1996 was held on 30.6.96 at different examination centres and on 2.7.96, the Answer-Books, the same were sent for evaluation and after evaluation, decoding was done and the result was published on 31.7.96 at the Notice Board of M.I.T., Muzaffarpur and on 2.8.96 in newspapers.

As per Rules the second coding of the Answer-sheets (Books) was to be done by Committee consisting of three senior Professors nominated by the Convenor. This provision was made to maintain a secrecy and to have a check over the Convenor. Ignoring this rule, Shri Vikal, the Co-Convenor himself did the work of second coding and it circumstantially shows that from the very beginning the Co-Convenor was manipulating things in such a way so as to do some manipulations in examination.

It is alleged that bungs at a large scale was done in the examination and the said Minister in connivance with the Co-Convenor, in furtherance of a criminal conspiracy, manipulated the things to advance the cause of above referred favoured candidates for certain extraneous/pecuniary considerations.

It is alleged that the Answer-Sheets were taken away from the custody of the Co-Convenor and the favoured candidates, in connivance with the Minister were supplied with Memorandum of Instructions Sheets (Model Answers which is given to the examiners at the time of evaluations) and they were favoured by providing them facilities to copy out from the said Model Answers. The candidates had copied out from one source as the irregularities as well as spelling mistakes, sequence of answers, speed of writing were common with regard to the questions answered by the favoured candidates. If there was a mistake in the Memorandum of Answers that also has been copied out faithfully. The favoured candidates have either succeeded in obtaining the Answer-Books after the examination was over or were supplied with fresh Answer-Books and thereafter they have copied out from the Memorandum of Answers.

The total number of candidates alleged to have adopted unfair means is 257. Out of 257 candidates, 12 candidates did not take admission. Thus, the total No. of candidates who ultimately derived benefits came to 245. Out of this 245 candidates, 66 candidates being Respondent Nos. 15, 20, 26, 27, 29, 30, 31, 35, 38, 40, 41, 42, 43, 44, 46, 51, 64, 66, 67, 71, 76, 81, 83, 84, 101, 104, 117, 120, 121, 125, 128, 135, 137, 140, 143, 149, 150, 151, 154, 156, 167, 176, 178, 179, 181, 182, 184, 187, 196, 197, 199, 200, 202, 205, 206, 210, 218, 220, 221, 226, 227, 228, 231, 243, 244, & 245 were alleged to have copied out from the Memorandum of Answers in all the three subjects i.e. Physics, Chemistry & Mathematics. 125 candidates being the Respondent Nos. 5, 7, 8, 10, 11, 12, 16, 21, 22, 23, 24, 25, 32, 33, 34, 36, 37, 39, 45, 47, 48, 49, 53, 54, 55, 57, 58, 60, 61, 62, 63, 65, 68, 69, 70, 72, 75, 77, 79, 80, 87, 88, 90, 91, 92, 97, 98, 100, 103, 105, 106, 107, 108, 109, 111, 113, 114, 118, 119, 122, 126, 129, 131, 132, 133, 134, 136, 138, 141, 144, 145, 146, 147, 148, 152, 153, 155, 158, 159, 160, 161, 162, 163, 165, 168, 170, 171, 172, 174, 175, 177, 183, 185, 188, 189, 191, 192, 193, 194, 195, 198, 203, 204, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 222, 224, 233, 234, 235, 237, 238, 240, 241, 242, 246 & 248 were alleged to have copied out from the Memorandum of Answers in two subjects only and 54 candidates being Respondent Nos. 6, 9, 13, 14, 17, 18, 19, 28, 50, 52, 56, 59, 73, 74, 78, 82, 85, 86, 89, 93, 94, 95, 96, 99, 102, 110, 112, 115, 116, 123, 124, 127, 130, 139, 142, 157, 164, 166, 169, 173, 180, 186, 190, 201, 219, 223, 225, 229, 230, 232, 236, 239, 247 & 249 were alleged to have copied out from the Memorandum of Answers in one subject only (Physics 39 and Chemistry 15).

These circumstances indicate that in pursuance of a deep seated criminal conspiracy, fraud and manipulations were done in the C.E.E. Examination, 1966 which wrongfully benefitted the favoured candidates and these were done with active connivance and cooperation of the Co-Convenor Shri R.C. Das 'Vikal' and with the full blessing and support of Dr. Brij Bihari Prasad, Minister, Science & dTechnology, Govt. of Bihar, Patna.

The facts aforesaid disclose commission of offences punishable U/s 120B, 420, 409, 467, 468 IPC and Sec. 13(2) r/w 13(1)(d) of P.C. Act, 1988 on the part of aforesaid accused person.

The investigation is entrusted to Shri R.K. Singh, Dy. Supdt. of Police, CBI, SPE, Patna.

Sd/-
Supdt. of Police
CBI:SPE:Patna
11.8.97

Endt.No.5158/3/43(A)/97-Pat.

Dt. 11.8.97

Copy forwarded to the Special; Judge, CBI, Patna for information.

Sd/-
Supdt. of Police
CBI:SPE:Patna.

Endt. No. 5/59, 5/60, 5/61, 5/62, 5/63, 5/64
13/43(A)/97-Pat. Dt. 11.8.97

Copy forwarded to :-

1. The Chief Secretary, Govt. of Bihar, Patna.
2. The Registrar General, Patna High Court, Patna.
3. The Joint Director (East), CBI, Calcutta.
4. The DIG of Police, CBI, Patna Region, Patna.
5. The AIG(P), CBI, New Delhi with respect to his Signal No.47/250/97-PD dt.9.8.97 for information.
6. Shri R.K.Singh, Dy.S.P., CBI, SPE, Patna for investigation and report within stipulated period.

11.8.97
Supdt. of Police
CBI/SPE:Patna.

(51c)

Annexure - 2

COURT OF SPECIAL JUDGE (II) CBI BIHAR, PATNA.

WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(Sec.93 Cr.P.C.)

To

SJM, PATNA
RC.NO.

43(A)/97/Pat.

Shri RR Singh

DySP/CBI/Patna

Spl. case
No.

State

WHEREAS information has been laid before me of commission of the offence under section 120B, 489, 489A, 457, 458 IPC and 15(2) r/w 15(1)(3) of PC Act, 1908.

Via.

Das Vikal

_____ and it has been made to appear to me that the production of A-Flaps, Coding Registers, Blank/Carbon answer books of CTEE-96 and Investment papers/bank accounts and other incriminating documents suggesting the cognizance of the said offence is essential to the investigation/enquiry now being made into the said offence.

See Bag. 100
This is to authorize and require you to search for the said films/documents in the ^{residence} residence/house of Shri Braj Bihari Prasad, the Union Minister, Information Technology, Govt. of Bihar, Opposite B.C. Office, Valley Road, Patna.

and if found, to produce the same forthwith before this court returning this warrant with an endorsement certifying what you have done under it immediately upon its execution.



जलाशी में मिली वस्तुओं की सूची

SEARCH LIST

File No. 43(A)/97/Pat.
S.P.C.-IV

दर प्रक्रिया में हिला की द्वारा 103 या 165 के उपबन्धों के अधीन पुलिस अधिकारी द्वारा कब्जे में की गई वस्तुओं का बर्णन
DETAILS OF PROPERTY SEIZED BY POLICE OFFICERS ACTING UNDER THE PROVISION OF SECTION 103 OR 165, CRIMINAL PROCEDURE CODE

1. वस्तु का नाम और उसका नाम Name of S. P. E. Branch	2. वस्तु की संख्या और तिथि Date and hour of seizure	3. वस्तु के वस्तु विवरण का बर्णन Name and address of witnesses present at seizure	4. वस्तु का नाम और नाम C. No. and Section	5. वस्तु का नाम और वस्तु का नाम Name and address of person whose house is searched	6. वस्तु के वस्तु विवरण का बर्णन Name and address of person whose house is searched
CBI, Patna	4.4.98: 7.15 a.m to 11.00 a.m	Sri P.K.Saha, Officer, Regional Office Punjab National Bank, R.Block, Patna- Sri Dinesh Prasad, Manager, Allahabad Bank, Zonal Office, Borling Road, Patna	RC 43(A)/97/Pat.	Residence of Shri Braj Bihari Prasad the then Minister Science and Technology, Govt. of Bihar, Opposite BPSC Office, Belley Road, Patna.	
वस्तु का नाम (वस्तु का नाम वस्तु का नाम और तिथि Name of S. P. E. Branch Date and hour of seizure)	वस्तु के वस्तु विवरण का बर्णन Description of Articles seized	वस्तु का नाम और वस्तु का नाम Name and address of person whose house is searched	वस्तु का नाम और वस्तु का नाम Name and address of person whose house is searched	वस्तु का नाम और वस्तु का नाम Name and address of person whose house is searched	वस्तु का नाम और वस्तु का नाम Name and address of person whose house is searched
Arms licence no. 494/Adapur Ps for one NP bore pistol (25 bore) no. 188820 (Czechoslovakia) in the name of Smt. Rama Devi, W/o Shri Braj Bihari Prasad, Vill-Bharibari, Ps. Adapur, Distt. East Champaran. The licence renewed upto 31.12.95.	Arms licence 26/26, Brahmapura PS for one N.P.bore rifle no. 4582 522(USA) bore 30.06 in the name of Smt. Rama Devi, W/o Shri Braj Bihari Prasad, Brahmapura(Krishna Toll) Muzaffarpur. The licence renewed upto 1995.	Bed-room, First floor.	On the strength of search warrant dated 3.4.98 issued by Special Judge, CBI, Patna, the search was conducted at the aforesaid premises in the presence of two Independent witnesses after observing all the formalities. The documents/materials which are mentioned in column no.2 were only taken charge of.		

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Cash amount of Rs. 500381 + Rs. 1,90,500
& Rs. 100145 = 14,500
Total = Rs. 2,05,000

Bed Room,
First floor.

Property. Shri Braj Bihari Prasad remained present throughout the search. A copy of the search-list is also handed over to Shri Braj Bihari Prasad for acknowledgement.

Sd/-
R.K.Singh
4.4.98
Sd/-
M.Naitra
4.4.98

Sd/-
J.P.Mishra
4.4.98
Sd/-
G. Pandey
4/4

Sd/-
Manoj Kumar
4.4.98

0414
11) 0414

- 89 -

IN THE COURT OF SPECIAL JUDGE, CBI, NORTII, PATNA.

State

Vrs

R.C. Das 'Vikal' & others.

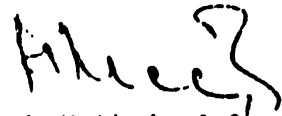
Ref: RC.43(A)/97/CBI-Patna.

Sir,

I forward FIR named accused Dr. Brij Bihari Prasad, the then Minister, Science & Technology, Govt. of Bihar, S/o late Yadav Chandra Prasad, Village Bherihari, P.S. Adapur, Distt. East Champaran, at present Official Residence, Bailey Road, Opposite B.P.S.C., Patna under proper custody. He was arrested today at 11.00 hrs. He was medically examined today by Dr. Gopal Prasad Sinha of P.M.C.H., Patna and Dr. M.P. Singh of C.G.H.S., Patna and photo copies of his examination reports are enclosed for reference.

Said accused Dr. Brij Bihari Pd. while functioning as Minister, Science & Technology, Govt. of Bihar during the year 1996 has committed fraud in Bihar Combined Entrance Engineering Examination 1996. His involvement has come to light particularly on the aspect of printing of extra answer books, getting those answer books written afresh by the candidates after the examination was over, replacing with old answer books, getting code numbers from the members by providing Roll Nos. and charging Rs.1 lac to Rs.1.5 lac for each candidate for their admissions. It is, therefore, expedient to interrogate the accused in custody in order to recover the missing documents and also to trace out the other accomplices in this kind and conspiracy.

It is, therefore, prayed that accused Brij Bihari Prasad may please be remanded to police custody for fortnight.


(R. K. Singh)
Dy. Supdt. of Police
CBI::SPE::Patna.

- 2 - 90

ARREST MEMO.

Case No.

RC.43(A)/97/CBI/Patna.

Name of the accused
arrested.

Brij Bihar Prasad, the then Minister,
Science & Technology, Govt. of Bihar.
S/o late Yadav Chandra Prasad,
Vill. Bherihari, P.S. Adapur, Distt. East Champaran.

3. Date and time of arrest: 4.4.98 at 11.00 Hrs.
4. Place of arrest. At the residence of Shri Brij Bihar Prasad,
Opposite B.P.S.C., Bailey Road, Patna.

The aforesaid accused was arrested at 11.00 Hrs. today. His personal search was taken and nothing was found on his person except wearing apparel. He was medically examined by Dr. Gopal Prasad Sinha of PMCH, Patna and Dr. M.P. Singh, CGHS, Patna. His wife Smt. Rama Devi was informed about his arrest.

Ramdevi
M.P.
4.4.98

R.K. Singh
(R.K. Singh)
Dy. Supdt. of Police
CBI::SPE::Patna.
4/4/98

डॉ. (डॉ.) गोपाल प्रसाद सिन्हा

डॉ. अभय कुमार सिन्हा

Prof. (Dr.) Gopal Prasad Sinha

(Assistant Physician)

M.B.B.S. (HONS.), M.D. (PAT.), D.N. (VIENNA)

M.B.B.S., M.D. (Pat.)

ZEE. (AUST.), M.A., M.S.

Ph. No. 225505

PHYSICIAN & NEUROLOGIST

PROFESSOR OF MEDICINE (NEUROLOGY)

PATNA MEDICAL COLLEGE & HOSPITAL

Date 2.4.9

आवास : उत्तरी ग्रीकणापुरी, ए० एन० कॉलेज के पास, रविवार को सिर्फ संध्या में बन्द रहता है।

क्लिनिक : मछनियों कुआँ रोड, पटना - 800 004, रविवार को क्लिनिक बन्द रहता है।

P.M.C.H.P.B.X. - 850132, 651786

Officer Chamber-80

Resl. : 262510

Clinic : 672025

Shree Bny Rhu 8a for

High five

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8-2-6-10 night
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5 CIFRATO (500) - 6la

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5 Dogarin = 6la

मोम 11-21 (5) 315

5 TR-Phyllin (125) = 9g

1x3

(9) 24-52

5 सुकट

2°

7 वजे सुकट

108

10 वजे

00.5

9 वजे

10

30 मिनट शांत

"शांत"

रुग्ने दाली

1 वजे "

40

8 वजे मेटाबोलिक दिव्य

1 वजे

4.4.50

1. High Fever

2. Severe Toxicity

3. Sw. Anorexia

Need Rx

1/2 (1/2)

A. ①

TAXIM (180)

1 gm 2v twice

②

Ketanov = 40

1 amp 2v twice

③

Diphenhydramine 26

1 amp 2v 5x

④

Kenmerion

(500) = 120

1/2

✓

Hypotension

in KHF. urgent

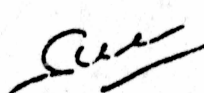
Contd.
4.4.98

and forwarding memo and it appears that in course of investigation involvement of Brij Bihari Prasad has been found in relation of this case showing his involvement in relation of printing of extra answer books, getting those answer books written afresh by the candidates after the examination was over, replacing with old answer books, getting code numbers from the members by providing Roll numbers and deducting amount for the said work from each of the candidates for their admission.

Perusal of the record shows well founded accusation against the accused Brij Bihari Prasad and accordingly he is taken into custody in relation of this case.

Considering the fact that Brij Bihari Prasad is running under temperature as reported by the doctors, it appears proper to let that prayer of the C.B.I. for giving Brij Bihari Prasad to their custody for a fortnight be deferred to some other date. Considering the serious nature of accusation and prayer made by the C.B.I. for interrogation of Brij Bihari Prasad for their custody for effective investigation I fix 6th April, 1998 for consideration of the aforesaid prayer of C.B.I.

In the facts and circumstances of the case and accusation against Brij Bihari Prasad his detention is authorized to judicial custody till 6th April, 1998. Send him to Central Jail, Buxar directing the Superintendent, Central Jail, Buxar to produce him on 6th April, 1998. (Dictated).


J/C Spl. Judge, C.B.I.
North Bihar, Patna.

Special Case No. 22/97

Contd.
4.4.98
Letter on

After authorisation on detention of Brij
Bihari Prasad and his departure from the Court
room a petition has been filed on his behalf
of Brij Bihari Prasad.

Sri Janardan Rai while presenting the petition
made a prayer for directing the Superintendent,
Central Jail Buxar to send Brij Bihari Prasad
to Patna Medical College Hospital for his treatment
on the ground that he is suffering from numerous
complicated abdominal diseases and his proper
treatment is not possible in jail. Senior P.P.
has also been heard who has submitted that C.B.J.
of its own has got proper medical treatment of
Brij Bihari Prasad after his arrest and as per
diagnosis he is running under fever only
which can be well treated inside the jail.

Perused the record of the case and found that
the ^{Medical Officer} prescription of the Doctor of P. H.C.H. and
Central Government Health Scheme has been filed in
the case which shows that the petitioner is running
under temperature as stated above. From the prescription
it appears that petitioner is running under temperature
for which proper medicines have been prescribed by the
Doctors.

Considering the facts and circumstances and
report of the Doctor, I do not think it proper
for making any direction to shift Brij Bihari
Prasad to any Hospital. Moreover in the Jail Manual
there are proper provision for treatment of ailing
inmates of the jail and it is expected that Jail

Superintendent, Heur will provide medical assistance to Drif Bihari Prasad in accordance with Jail Manual if required. Accordingly inform the Jail Superintendent to provide medical assistance to Drif Bihari Prasad in accordance with Jail Manual if so required.

I/C Special Judge, C.B.J.
North Hill, Bhamo.

3. That Counsel brought forth, before the jury, evidence that his client is suffering from several ailments and for

his better diagnosis and treatment he has been
advised to India Civil Institute of Health and Sciences

from Radio Heliport, Heliport Hospital, Mr. Lee has been advised
from Central City, that because of the above, Mr. Lee has been advised (4)
Heard both the parties on the question of

Further detection of under- and over-billed freight and its adjustment.

All now neither received under, return has been produced nor custody warrant has been received nor any further information in addition to the letter received as referred to above has been received. Put up on production of Dr. J. Nihari President's custody warrant/any further information, in this regard.

I/c Imperial Tobacco Co. Ltd.
North Wing, Patna.

Custody Warrant of under trial Drif Ahori Prasad has been received with an endorsement from the Jail authority that he is at Patna Medical College Hospital.

- 98 - - 58 -
(PETITIONER IN CUSTODY)

In

The Court of Special Judge,

C. B. I. . PATNA.

Special Case No. 23 of 1947.

State

V E R S U S

Brij Bihari Pd. - - - - - ACCUSED.

Under Section

The humble petition on behalf
of the petitioner-accused namely

Brij Bihari Pd.

Most respectfully sheweth:-

(1) That the aforesaid petitioner, has been

- 99 -
11 2 11

with the case under reference.

(2) That the petitioner is suffering from so many complicated abdominal diseases and the petitioner needs immediate medical care and treatment of specialised doctors, otherwise this will prove fatal to the life of the petitioner.

(3) That prior to the arrest of the petitioner, he was under treatment of a Doctor and was under strict Clinical care.

(4) That if the petitioner is not provided clinical or medical care at once, then the ailment of the petitioner will grow serious and chronic and it may cause risk of the petitioner's life.

~~SECRET~~

11

(5) That treatment of the petitioner's disease is not possible inside the Jail. Hence it would be desirable to direct the Superintendent of Jail to send the petitioner to P.M.C.H. for his immediate Medical care and treatment so as to prevent the disease of the petitioner growing serious and chronic.

(6) That Medical Certificate showing illness and treatment of the petitioner is attached with this petition.

It is, therefore, humbly prayed that Your Honour may be pleased to direct the Superintendent of Jail to send the petitioner to P.M.C.H. for his proper treatment and medical care to prevent the life of the petitioner.

And for this, your petitioner shall ever pray.

Shayant Singh
Advocate
4/4/78

Le

14:56 FAX 01 33 2300432
11-00 12:31 05:00 PM '98

Annexure 4
...CBI EASTZONE

TEL. 0612-222200

रतन देवी
संजय सरस्व
(मौकिक तन्मा)



Tel. No. 281255
20, Bally Road,
Patna (Bihar)

Date : 09.04.98

To

The Chairman
National Human Rights Commission,
New Delhi.

Sir,

With due respect, I wish to bring your kind attention on the following facts :-

1. That I am a Member of Parliament from Motihari in BIHAR and want to narrate the inhuman behaviour of a C.B.I. Officer with my husband during a secret operation at my husband's official residence at Patna.
2. That at about 7 A.M. in the morning of 04.04.1998, a C.B.I. Team led by one Shri A.K. Singh, Deputy Superintendent of Police, C.B.I., Patna, came to our said residence armed with a search-order for searching the house in connection with Special Case No.23 of 1997, corresponding to S.C. Case No.43 of 1997, in which my husband, namely Shri Brij Bahari Prasad, the then Science and Technology Cabinet Minister, State of Bihar, was allegedly made an accused. At the time of raid, my husband was suffering from very high fever, acute chest pain and vomiting of blood. My family doctor who is a very well noted doctor of Patna, namely Dr. Gopal Prasad Sinha came to see my husband while the search was going on with the full cooperation from our side. Looking at the condition of patient who was having 105 F Fever, he advised him to be admitted in the Kurji Family Hospital as soon as possible by ambulance because he was ambulant to go. He also told the said C.B.I. Officer that if he could not be admitted to the hospital then there could be a brain hemorrhage or any thing else could happen to him in case of failure to the admission.

Contd...(P/2)

Ratna Devi

14:08 FAX 91 33 2400232

CHI EASTZONE

APR-11-98 12:31 BSES PNT MD

TEL: (91) 33-2400232

P. 11

राम देवी
हंसद तदस्य
(लोक ज्ञा)



Tel. No. 281255
20, Bally Road,
Patna (Bihar)

[2]

But at height of cruelty the said C.B.I. Officer ignored the written advice of the doctor and ordered his men to drag him to his office. We have offered a stretcher for carrying the patient but he thrown out the same saying that we know how to handle such persons.

Thereafter, the said C.B.I. Officer made my husband to lay in his office for nearly three hours without medicine & water. Thereafter he produced him in the court by dragging him on the staircase and when he showed his utmost inability to walk then they left him to lay on the floor of the corridor of the court (See Annexure -1) The concern Hon'ble Judge was not available and so we have to wait for more than two hours without any medical assistance.

Thereafter as per the court direction, Sh. Prity Bihari Prasad was sent to Jail where the Jail authorities got him examined by Jail Doctor and the Civil Surgeon, Patna who told that he was having fever at 105 degree and also blood is coming along with stool. He also vomitted blood in the Jail premises. All these happenings have been mentioned in the report submitted by Jail Inspd. to the Court (Annexure-2). The Jail doctor offered Metacain, then the fever came down to 102 degree. The condition was so serious that Jail authority sent him to Patna Medical College, Patna where the situation was out of control. Then the doctors referred him to the I.C.U. Patna to control the situation at once around 1 p.m. and since then the treatment is going on in judicial custody.

Contd... (P. 2)

Ram Devi

रमा देवी
लोक सभा
(लोक सभा)



Tel.No. 281295
20, Bailey Road,
Patna (Bihar)

(3)

The said CBI Officer did not provide water to him despite of signalling by hand as he was unable to speak that he needs the water desperately. The said CBI Officer did not bother about the deteriorating conditions of my husband despite of several requests made by me for medical help.

The aforesaid behaviour of Sri R.K. Singh Dy. S.P., C.B.I., is sufficient to show that how the void of human feelings such officers of the police are. My husband's life was saved only due to grace of the God otherwise Sri Singh's every attempt was to see that my husband may be permanently handicapped or even die due to unavailability of Medical facilities. It is still not sure as to whether due to such atrocious and inhuman behaviour to which my husband was subjected to, has actually resulted in any symptoms for permanent handicappedness or not ? Investigation by the expert doctor are going on in this regard.

It can just be imagined that the behaviour of the said Police Officer or his team -- his instance is like such as stated above with me and my husband who are representatives of people, what would be his behaviour with the people in general. In such situation I request you to take up the matter so that such inhuman behaviour should not be metted with any person in future by such Police Officers who think himself above all and also to bring to book said Sri R.K. Singh for his aforesaid behaviour so that it may not be repeated in future.

With regards,

Yours faithfully,

Rama Devi

[RAMA DEVI]
Member of Parliament
20 Bailey Road, Patna.1.

-10.4-

(AFTER THE FIRST)

[illegible][illegible][illegible]

अनुमान की जगह ही 'सत्य'। आदिवासी समाज की
जड़ों में ही निहित है। यहाँ तक कि यहाँ की भी, आदिवासी
के निहित है। आदिवासी समाज की ही निहित है। यहाँ की ही।

ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਦੀ ਸੇਵਾ ਲਈ ਸ਼੍ਰੀ ੧੯੮੭-੮੮ ਵਿੱਚ
ਪ੍ਰਕਾਸ਼ ਦੀ ਪ੍ਰਕਾਸ਼ਨਾ ਦੇ ਪ੍ਰਕਾਸ਼ਨ ਵਿਸ਼ਵਕੋਸ਼ ਵਿੱਚ
ਸਿਰਫ਼ ਇਕ ਸ਼੍ਰੇਣੀ ਦੇ ਸ਼ਬਦਾਂ ਦੀ ਪਹਿਚਾਣ ਵਿਸ਼ਵ
ਕੋਸ਼ : ਸ਼ਬਦਾਂ ਦੇ ਸ਼੍ਰੇਣੀ ਦੇ ਸ਼੍ਰੇਣੀ ਦੇ ਸ਼੍ਰੇਣੀ ਦੇ ਸ਼੍ਰੇਣੀ
ਪ੍ਰਕਾਸ਼ਨ ਦੀ ਪਹਿਚਾਣ :

[illegible][illegible]

- 106 -

In

The Court of Chief Judicial Magistrate,

Sadar, Patna.

Complaint Case no. 15027 of 1998

In Matter and Address of the Complainant,

Smt. Rama Devi wife of Sri Brij

Bhaji Prasad, resident of 20-Bailey

Road, P.S. Sachivalaya, Dist. Patna

2. Name and address of the Accused persons,

1. R.K. Singh, Dy. Superintendent of

Police C.B.L., Patna.

3. Date of the Occurrence: 4.4.1998.

4. Place of the Occurrence: 20, Bailey Road, Patna

and Civil Court premises,

Patna.

5. Offence under section U/s 307, 500, 504, 109, 114

and 115 of I.P.C.

107- -

2

6. Name of the Witness

1. Sri Om Mohan Prasad

2. Lakshmeshwar Sah

3. Dharendra Kumar

4. Birendra Singh

and many others

The complainant begs to state

as follows:-

1. That the complainant is a citizen of India and she is member of parliament elected from Alotbari parliamentary constituency
2. That the complainant has got high respect and holds command in the Society
3. That on 4th April 1998 the accused Sri R.K. Singh along with other officials raided the residence of complainant's husband at 20-Baily Road, Patna at 7.00 A.M. in connection with

3.

with Special case no.23 of 1997 corresponding to B.C. case no.43 of 1997 pending in the Court of Special Judge, C.B.I. North Bihar, Patna.

4. That the complainants husband Brij Bihari Prasad was very seriously ill at the relevant time and was running abnormal high temprature with the acute chest pain, vomiting of blood and acute abdominal pain and he apprised this to the accused R.K. Singh and other member of the team of C.B.I. Patna

5. That the complainant was present at the time of raid and was attending her husband She told the accused to allow her to get her husband admitted to hospital as advised by the doctor and the search matter be continued.

6. That the accused R.K. Singh, upon the request of complainant, humiliated the complainant and her husband and uttered filthy language to the complainant. The accused R.K. Singh uttered the

- 109 -

the following words,

"CHOR KA BIBI CHORNI HENAI HOGE" TUMHARE YAMSE
KIENI SANSAD KO HAI KADI PAHANA DIYA HAI.
TUMKO BHI HAI KADI LAGAKAR GHISHT KAR TI JAUNGA" "BOGUS
VOTE PER JITE SANSAD HO"

7. That the above remarks given by the accused
P. E. Singh was heard by several persons who had
come to see and meet the complainant and her husband

8. That the above said remarks were circulated
and discussed before other persons and also publishe-
d in the newspaper

9. That the complainant's prestige was degraded
intentionally, due to above said remarks in the eyes
of complainants friends, political circle and in
general public

10. That the accused R.K.Singh passed such remark
is intentionally in order to harm the reputation of
the complainant.

11. That the above said allegation remarks has
been made by the accused, not in a good faith, but
intentionally to harm and malign the reputation of the
complainant

-5-

12. That the complainant asked the accused to withdraw the remarks and make apology for the said defamatory remarks against her but the accused person neither withdrew the remarks nor made an appology for the same.

13. That the Complainant's husband, however remained in such condition without proper medicine, care and then after close of the search at about 11.00 A.M., the Complainant's husband was brought to the C.B.I. Head quarter at Lana and from there to the Court and there he was made to lie in the corridor on the floor of the Court for quite some time in such condition and in that condition Shri R.K. Singh did not stop showing his contemptuous and unwarranted behaviours towards the petitioner's husband and even ordered for dragging the Complainant's husband to the in-charge Court. The accused R.K. Singh even

11/ — 2 —
-6-
did not provide facility of stretchar etc. and
the Complainant's husband remained without any
medicine and attendants since 7.00 A.M. in the
morning till he was sent to Deur Jail in the late
afternoon.

13. That the accused R.K. Singh did all
acts intentionally which might be caused death
to the Complainant's husband.

14. That the accused R. K. Singh is liable
to be punished for his acts under Sections 307,
500, 504, 109, 114 and 115 of the Indian Penal Code.

क्रमांक 1132/सी०आर०आर० अखिल भारतीय आरक्षी अधीक्षक का कार्यालय, पटना ।

11 JUN पटना, दिनांक 15 जून, 1998.

सेवा में,

आरक्षी अधीक्षक,

केन्द्रीय अन्वेषण ब्यूरो

सी०बी०आई०, पटना ।

प्रसंग :- आपका क्रमांक 700/गोपनीय दिनांक 14.6.98:

विषय :- दिनांक 13.6.98 को रात्रि शास्त्रीनगर थानान्तर्गत आई०जी०आई०एम०

एस० शेषपुरा पटना में पूर्व मंत्री श्री बृज बिहारी प्रसाद, बिहार सरकार

विद्याराधीन बंदी की हत्या के संबंधित प्राथमिकी भेजने के सम्बन्ध में ।

उपर्युक्त विषयक दिनांक 13.6.98 को रात्रि में शास्त्रीनगर थानान्तर्गत आई०जी०आई०एम०एस० शेषपुरा, पटना जहाँ पर श्री बृज बिहारी प्रसाद माननीय विधायक एवं पूर्व मंत्री बिहार, सरकार, विद्याराधीन बंदी का ईलाज चल रहा था की हत्या अराधकर्मियों द्वारा की दी गयी है जिसके संबंध में शास्त्रीनगर थाना कांड सं० 336/98 दिनांक 13.6.98 धारा 302/307/120(बी) 379/34 भा. द. वि. संव 27 आर्म्स एक्ट दर्ज की गयी है । प्राथमिकी की छाया प्रति अपनोक्ताध संलग्न की जा रही है ।

सूचनार्थ प्रेषित ।

अनुलग्नक:- एगोपरि ।

वरिय आरक्षी अधीक्षक,
पटना ।

2 file. 17/6/98

Fard Bayan of Shri Amrendu Kumar Sinha S/o Lt. Rishi Deo Narayan Prasad, R/o- Bhawanipur Jirat P.S.- Chhittauni Distt:- East Champaran recorded at I.O.I.M.S. camp on 13.6.98 at 21.00 hrs. by Insp.-cum -officer-in-charge Sri S.S.P. Yadav of Shastri Nagar P.S.

हमारा नाम अमरेन्दु कुमार सिन्हा पे० एच० श्री इन्दिरा नारायण प्रसाद
ता. भवानीपुर बिरात थाना छितीनी जिला- पूर्वी चम्पारण है । मैं आज दिनांक
13.6.98 को [गुनिवार] समय करीब 9.00 बजे रात्रि आई०बी०आई०एम०एस० केमप
आय इन्सप्रीनर थाना के इन्स्पेक्टर साहब के समक्ष च्यान देता हूँ कि मैं आज
दिनांक 13.6.98 को अपने घर से अपने छेन के विधायक श्री कुच बिहारी प्रसाद से
मुलाकात करने करीब 6.30 बजे तय्या पटना के आई०बी०आई०एम०एस० पहुँचा, जिला
घाई में ये जलाय हेतु पहले से जॉर्जिये, उत समय छेन के 11 अमरेन्दु सिंह पे० तच्छिदानन्द
सिंह ता. मठिया थाना-छितीनी जिला-पूर्वी चम्पारण 12 जौहार सिंह पेठ-दिनेश
लाल सिंह ता-कुडवा टोली थाना-प्रहमपुरा जिला-मुबक्करपुर 13 रामानन्दन सिंह उर्फ
रमण पे० एच० श्री विश्वनाथ सिंह ता. प्रहमपुरा थाना- प्रहमपुरा जिला-मुबक्करपुर
14 महन्त अश्वनीदास पे० धिने 15 महन्त अनीत दात ताप्पीर पथी मठ कुडवा टोली
प्रहमपुरा थाना-प्रहमपुरा जिला- मुबक्करपुर 16 वारतनाथ चौधरी पे०-श्री केशव
प्रसाद चौधरी ता. मेख थाना-मातगंज जिला-मेवाती एवं अन्य दो-चार व्यक्ति श्री
विधायक जी से मुलाकात करने आये थे । हमलोग विधायक जी से बात कर रहे थे,
विधायक जी बोले कि गर्म ते बाहर टहलने ज्मा जाए । विधायक जी के पीछे-
पीछे करीब 100-150 मीटर पश्चिम आई०बी०आई०एम०एस० कार पार्किंग तथा
हुले हाता में टहलते हुए पहुँचि और जलाका के बारे में बात-चीत ज्म रहा था । समय
करीब सवा तात बज रहा होगा, हमलोगों के साथ विधायक जी के बाई गाई श्री
लक्ष्मेश्वर साह कार्बाइन लिए हुए ज्म रहे थे वी तथा दो तिपाटी राईफल लिए हुए
थे तथा दो-एक कमाण्डो पार्टी के आरखी थे। तभी साथ-साथ तथा कुछ लोग दुरी पर
पीछे से निगरानी कर दुरी पर साथ-साथ ज्म रहे थे। इती ज्म में बीजार-वनपी-
1818 नम्बर की एक तुमो गाडी तथा उसके पीछे एक लोपेड अम्बेतडर कार जितका नंबर
नहीं देख सका क्योंकि वह कुछ दूरी दोनो गाडी आई०बी०आई०एम०एस० मेन गेट जेली रोड तरफ
पर था, दक्षिण दिजा ते आयी उत समय विधायक जी पहले से आये एक रविन्दु अगत पे० कुच
कुमार अगत ता. कुदमार्ग पटना से बातचीत कर रहे थे, उती समय वह तुमो गाडी
एवं कार ते आये व्यक्ति विधायक जी के नजदीक करीब 20 कदम दुरी पर गाडी
रोके तथा तभी उतरकर नजदीक आये जितमें ते भेजे 11 सुपेन्द्रनाथ दुबे पे०- जेगवर दुबे
ता. इटकुलिया थाना-गोविन्दगंज जिला- पूर्वी चम्पारण 2 मन्दु तिवारी पे०-
वारतनाथ तिवारी ता.-गोपालपुर थाना- मोतीहारी जिला- पूर्वी चम्पारण 3 मुन्ना
जुल्ला पे०-नामालुम ता थाना+ जिला- मुबक्करपुर 4 श्री प्रकाश जुल्ला 50वी० का
5 राजन तिवारी, गोरखपुर 6 ततीश पाण्डेय लन्द-नामालुम ता+थाना-गोपालगंज
एवं तीन चार और व्यक्ति उतरे जितको में नहीं पहचानता हूँ मेरे साथ के अन्य लोग
पहचानते होयें । सुपेन्द्र दुबे के हाथ में पिस्तौल था, मन्दु तिवारी के हाथ में स्टेमगन
था और अन्य तभी के हाथ में पिस्तौल था। ये तभी एकएक विधायक जी एवं बाई
गाई के करीब आ गये और सुपेन्द्र नाथ दुबे बोला कि यही विधायक कुच बिहारी
प्रसाद है, तामे वो गोली मारो और अपने हाथ ते पिस्तौल ते विधायक जी पर
फायर कर दिया । मन्दु तिवारी अपने स्टेमगन ते विधायक जी पर गोली ज्माया ।
श्री प्रकाश जुल्ला की पिस्तौल ते विधायक जी पर गोली ज्माया तथा उती छव
विधायक कुच बिहारी प्रसाद के बाई गाई लक्ष्मेश्वर साह पर इन्के अन्य साथी
... के पृष्ठ 2 पर

- 2 -

सतीश पाण्डेय, मुन्ना शर्मा तथा राजन तिवारी अपने हाथ के आग्नेयास्त्र से गोली चलाया, जिससे दोनों व्यक्ति वहीं पर उन लोगों की गोली से घायल होकर गिर गये उक्त सभी लोग अपने पास के आग्नेयास्त्र से दोनों व्यक्ति गिरने के बाद श्री अंधाधुंध फायर इन दोनों पर करते रहे। इस पर भुपेन्द्र दुबे बोला कि विधायक तथा उनके बार्डी गार्ड का काम तमाम हो गया, अब बजरंग बली तथा उनके बाद वे सभी में से एक भुपेन्द्रनाथ दुबे बार्डी गार्ड का कार्रबाहन लेते हुए उठी तूमो गाड़ी तथा सम्बेतहर कार पर सवार होकर दक्षिण तरफ चले गये तथा उपरोक्त सभी घटना के समय अस्पताल के बाहर ट्यूब की उज्जनी रोजनी थी जिसमें सभी को ठीक से पहचानने तथा घटना को देखा। तत्पश्चात् विधायक एवं बार्डी गार्ड के पास जाकर देखा तो वे दोनों जून से लथपथ थे एवं उन दोनों की मृत्यु हो गयी थी। इसकी सूचना तुरन्त अस्पताल के स्टॉफ को दिया तथा उन्होंने धाना को खबर दिया और आप आये और मैं बयान दे रहा हूँ हमलोगों के साथ के रवीन्द्र भगत पर भी जान लेवा हमला हुआ है जो विधायक जी से घटना के समय पहले से बातचीत कर रहे थे, उनके बाये हाथ में गोली लगी है। यह घटना उक्त अभियुक्तों ने एक साजिश पर पुरानी दुश्मनी के कारण किया है। घटना से भगदड़ मच गई तथा हाता में बड़े मरीजों ने अपना जुता-चप्पल छोड़कर भाग गये।

मेरा दावा है कि १। भुपेन्द्र नाथ दुबे २। मन्दु तिवारी ३। मुन्ना शुक्ला ४। सतीश पाण्डेय ५। राजन तिवारी ६। श्री प्रकाश शुक्ला एवं अन्य सभी मिलकर सुनियोजित रूप से साजिश कर विधायक श्री बृज बिहारी प्रसाद एवं बार्डी गार्ड श्री लक्ष्मेश्वर साह की हत्या गोली मारकर कर दिया एवं बार्डी गार्ड के मरने के बाद उतेका कार्रबाहन लेकर चले गये हैं। मेरे अलावे दुसरे अन्य लोग भी उपरी बातों एवं घटना को देखा है, जो बतावेगें।

यही हमारा बयान है, बयान पढ़कर वो पढ़वाकर तुन वो समझ लिया तथा सही पाकर अपना हस्ताक्षर कर दिया।

EO/-

अमरेन्दु कुमार तिन्हा

13.6.98

▲ B.O. & A.C.

Sd/-

Inspr.-cum-officer-in-charge

ShastriNagar P.S.

Camp I.G.I.M.S.

Returned to the P.S. &
intimated to the O/c G. Bagh P.S. to register
U/s 302/307/34/120B/379 IPC & 27 Arms Act.
I will investigate the case.

Sd/-

Inspr.-cum-O/c-G. Bagh P.S.

115-

FAX MESSAGE

TO ✓ THE DIRECTOR, CBI, NEW DELHI.
INFO ✓ JOINT DIRECTOR (EAST), CBI, CALCUTTA
FROM DIG, CBI, PATNA REGION, PATNA.

704
NO. 7051 RC.43(A)/97-PAT. DT. 14-6-98.

BRIJ BIHARI PRASAD FORMER MINISTER GOVT. OF BIHAR AND AN ACCUSED IN CBI CASE RC.43(A)/97-PAT.- COMBINED ENGINEERING ENTRANCE EXAMINATION 1996 IRREGULARITIES. WAS GUNNED DOWN BY A GROUP OF ARMED ASSAILANTS IN THE EVENING OF 13-6-98 AT INDIRA GANDHI INSTITUTE OF MEDICAL SCIENCE, PATNA WHERE HE WAS UNDER TREATMENT WHILE IN JUDICIAL CUSTODY (.) HE WAS ARRESTED ON 4-4-98 IN THE ABOVE MENTIONED CASE WHICH HAD BEEN REGISTERED ON ORDERS OF PATNA HIGH COURT (.) AN ANGRY MOB LED BY SMT. RAMA DEVI, MP, WIFE OF SHRI BRIJ BIHARI PRASAD CAME IN PROCESSION TO THE GATE OF CBI OFFICE PATNA AT ABOUT 3.00 AM ON 14-6-98 AND RAISED INTIMIDATING SLOGANS AGAINST CBI IN GENERAL AND R.K. SINGH, DY.SP, CBI, PATNA, THE IO IN PARTICULAR (.) THE MOB LED BY SMT. RAMA DEVI ATTEMPTED TO GATE-CRASH INTO THE CBI OFFICE PREMISES BUT INTERVENTION OF THE LOCAL POLICE FOILED THE ATTEMPT (.) LOCAL POLICE AUTHORITIES HAVE BEEN INFORMED REGARDING THE INCIDENT AND REQUESTED FOR ADEQUATE SECURITY ARRANGEMENTS FOR THE CBI OFFICE PATNA AND FOR DY. S.P. SHRI R.K. SINGH (.) COPY OF F.I.R. IN THE CASE OF GUNNING DOWN OF BRIJ BIHARI PRASAD HAS BEEN SOUGHT AND IS AWAITED FROM Ss.P. PATNA (.)

N.C. Verma
(N.C. VERMA) 14/6/98
DIG OF POLICE
CBI : PATNA REGION PATNA

706
14/6/98 COPY TO SP, CBI, PATNA.

आरभी आभीसक गहोपा,
सी० बी० आई० पटना।

गहोपा

सुचित करना है कि कितने रात करीब
०.३०० पैसे जवमें सी० बी० आई० आभिल को रउत पर सो
रहा था तो अन्ततः आभिल के गेट पर कर्म
ओहों तथा मैदी का झोर सुनई दिया। झोर सुनने
पर मैं तुरन्त निचे जाया और डिप्टी गहोपात
सीनीस का निगहो विपिन कगाट रुकू आरम्भ गई
के सभी खिणारीको को कंठठा कर आभिल के
सागने से गेट के कहर हल्ला करते आरम्भ हुवा
मर्के को गेट के अन्दर जाने से गंगा लिया,
गेट बन्द था लेकिन के सभी गेट लोड कर आरम्भ
पुलना-बाह रहे से तथा सी० बी० आई० को काष्ठी
गाली गलोन कर रहे थे। बीड के लोग भी आरम्भ
सिंह (०५.५५) को भी काष्ठी गाली-गलोन कर रहे
थे। कभी करीब १५-२० मिनट तक मैं राभी हजामा
करते रहे, तक तक पुलिस भी गई गाड़ी आ गयी
और बीड के लोग बाज अण्ड भी तरफ चले गए।
उ० के जाने पर पता चला कि भी हजामा उभाद
की हत्या हो गयी थी उसी के विरोध में भी गमि
रमा देवी दंड बीड लेजा आ गयी थी, गेट सी० बी० आई०
को तथा भी आर० के छिटे को गाली गलोन कर
रही थी बीड के चले जाने के बाद पंथा का कतावरण
साहं हो गया। मैंने सी० बी० आई० के उच्च अधिकारियों को
अंतर्गत सुचित किया।

दिनांक १५.६.९८

आप का विरवाही
आर० - कल्याण सिंह
को ३० पूरे, पटना।

- 117 -

CONFIDENTIAL/IMMEDIATE.

CENTRAL BUREAU OF INVESTIGATION
GOVERNMENT OF INDIA
DR. S.K. SIANGH PATH
PATNA.

No. 701 /Con/Misc/98/Pat.

Dated, the 14th June 1998

To

The Sr. Supdt. of Police,
Patna.

Sir,

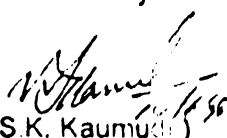
In the wake of the killing of Shri Brij Bihari Prasad, former Minister, Govt. of Bihar and an accused in CBI Case vide RC.43(A)/97/Pat, a mob led by Smt. Rama Devi, M.P. raised intimidating slogans at the gate of the CBI Office, Patna against the CBI in general and Dy.S.P. R.K. Singh, the Investigating Officer of the case in particular. It has also been reported that the mob as above attempted to gate crash into the CBI premises.

In view of the above, it is requested to arrange adequate security at the CBI Office to prevent any untoward incident. At the same time, it is considered essential that proper security is afforded by the local police to the Dy.SP R.K. Singh by providing an armed PSO to him. His residential address is as follow:-

Shri R.K. Singh,
Dy.S.P., Police Colony,
Anisabad, Patna.

Necessary arrangements may also be made to thwart any mischief there as well.

Yours faithfully


(V.S.K. Kaumudi)
CBI.SPE:Patna

राजदका आक्रोशपूर्ण प्रदर्शन
(आज समाचार सेवा)

रविवार १४ जून। पूर्व मंत्री वृजबिहारी प्रसाद की मृत्यु इत्यादि आक्रोशित उनके समर्थकों एवं राजद कार्यकर्ताओं ने बेसी रोड पर सार्वजनिक प्रदर्शन किया एवं धरना दिया। सी.बी.आई. कार्यालय में पुलिस के प्रवास के दौरान सांसद रमा देवी के साथ जिलाधिकारी एवं एस.एस.पी. की हानियाँ भी हुई।

मुख्यमंत्री अन्नास के सुरक्षाकर्मियों ने रमा देवी को आवास में प्रवेश नहीं करने दिया। विरोध में श्रीमती रमा देवी ने भी अन्नास के प्रवेश द्वार पर बरकत दे दिया।

एच. प्रसाद के समर्थक एवं दर्जनों राजद समर्थक आज सुबह (शेष पृष्ठ ११ पर)

आज 15/6/98
Palna Edition

राजदका आक्रोशपूर्ण प्रदर्शन

देवी ने जब मुख्यमंत्री अन्नास में प्रवेश करना चाहा तो वहाँ विपक्ष सुरक्षाकर्मियों ने उन्हें भीतर जाने से रोक दिया। इसके विरोध में वे गेट पर ही धरना दे बैठ गयीं। उनके साथ कई महिलाएँ एवं युवक भी बरतपर बैठे रहे। कुछ आक्रोशित युवकों ने रमा देवी को समझाया-वहाँ बैठकर गिरगिटाने कोई फायदा नहीं पड़ेगा, अपना डेरा वहीं। इस सब बदला से लेव।

इन युवकों के समझाने-बुझाने का कोई फायदा रमा देवी पर नहीं हुआ। वे लगातार अपनी छतरी पीट-पीटकर रोते हुए कह रही थी-लातूजी, इतना बड़का राज लेके बैठल बाद, हमरा ईशक द। तोहरे राजमें हमर मालिक मउ गेलन। मुख्यमंत्री अन्नास के सुरक्षाकर्मियों ने

उन्हें बताया कि लातूजी से रहे हैं। लगभग आधा घंटे तक गेट पर समूह पर बैठे रहने के बाद पूर्व मुख्यमंत्री लातू प्रसाद एवं मुख्यमंत्री श्रीमती राजबेदी देवी ने आवास से बाहर आकर गेट पर रमा देवी को राखना दिया और उन्हें समझ-बुझकर आगे से उनके आवास भेज दिया।

बापसी में रमा देवी की कात सी.बी.आई. कार्यालय के पास रुक गयी। कार से उतरकर रमा देवी सी.बी.आई. कार्यालय की ओर डी.एस.पी. आर.के. सिंह को गोली बचाने हुए दीड़ी। वहाँ छोड़कर एस.एस.पी. सुनील कुमार एवं जिलाधिकारी राजबाल सगाने उन्हें रोकने का प्रयास किया। जब वे नहीं मानती तो इन दोनों अधिकारियों ने जबर्दस्ती रमा देवी को खींचकर गाड़ी में बैठाना चाहा। इस दौरान रमा देवी ने जिलाधिकारी एवं एस.एस.पी. के सिर हानियाँ कर उन्हें पीछे धकेल दिया। बाद में किसी तरह उन्हें आवास पर लाया गया।

श्री प्रसाद के आवास पर हजारों समर्थक आक्रोशित मुद्रा में खड़े थे। वहाँ पहुँचने पर रमा देवी एक समर्थक की दोमाली बंदूक छीनकर पुनः सड़क की ओर दीड़ी चालू लोगोंने उन्हें पकड़कर शांत कराया। ने बंदूक लेकर सी.बी.आई. के डी.एस.पी. आर.के. सिंह को गोली मारने जा रही थीं।

इस दरम्यान पूर्व मुख्यमंत्री लातू प्रसाद एवं मुख्यमंत्री श्रीमती राजबेदी देवी वृजबिहारी प्रसाद के आवास पर पहुँचे। पूरा-मात्सा से लंदी गाड़ी पर श्री प्रसाद का शव रखा हुआ था। दोनों नेताओं ने उनके शव पर माल्यार्पण किया। सांसद रमा देवी को कार में बिठाया गया। लातू प्रसाद ने रोजी-बिलखती रमा देवी को डाँस देते हुए कहा-रमा, कोई नहीं बच पायेगा। सबको राजा मिलेगी। तुम अपने आचरने सांभालो। वहाँ से अब वृजबिहारी की शव यात्रा प्रारंभ हुई तो

मुख्यमंत्री श्रीमती राजबेदी देवी शव को शोक व्यक्त करने के बाद सड़क छोड़ी थी। श्री प्रसाद का शव विधानसभा सचिवालय में रखा गया। विधान सभा अध्यक्ष देव माधव कदम मुख्यमंत्री श्रीमती राजबेदी देवी, विधान परिषद के सभापति श्री बक्षिर हुसैन ने श्री प्रसाद के शव पर माल्यार्पण किया। वहाँ से उनका शव पुलिस की सुरक्षा में उनके पैतृक गांव अम्दापुर भेज दिया गया।

इसके पूर्व रात में लगभग एक बजे श्री प्रसाद का शव घटनास्थल से सी.एस.सी.एच. के पोस्टमार्टम रूम में लाया गया। जिलाधिकारी के अद्वैत पर रात में ही शव का पोस्टमार्टम किया गया। सुबह लगभग सवे पाँच बजे उनका शव पोस्टमार्टम के बाद उनके सरकारी आवास पर लाया गया। श्री प्रसाद की शव को छवर घिल्ले से ही मुजफ्फरपुर से भी काफी समर्थक घटना आये थे।

Annexure - 7

Furore in Lok Sabha over Brij Bihari issue

Rama demands hanging of CBI officer

HT Correspondent

NEW DELHI, July 4—The Lok Sabha was virtually hijacked by the RJD members led by Mr Laloo Prasad Yadav for about 45 minutes today when they walked into the well of the House to extend support to their colleague Mrs Rama Devi, wife of the former minister Mr B B Prasad who was killed while in judicial custody in Patna hospital recently.

Mrs Rama Devi was pressing for the "hanging of Mr R K Singh, CBI officer, who had misbehaved with her and was also responsible for the murder of her husband." She retorting to Prime Minister Atal Behari Vajpayee's remark that if found guilty the CBI officer would be punished, Mrs Rama devi said, "I want him to be hanged and not his suspension."

Virtually in tears, Mrs Rama Devi told the Government that she had no faith in the CBI. She came near the Speaker's podium and started arguing with him and alleged that Mr Vajpayee was heading a Government of murderers. Since

CBI itself was a party to the murder, she could not accept the Government offer of a CBI inquiry, the woman member said.

Mr Laloo Prasad Yadav who at one time declared that he would not allow the House to proceed unless there was a satisfactory response from the Government on Prasad's murder, also alleged that the Samata-BJP combine was responsible for the murder of the former minister. He even named the MLA from Govindganj in this connection. Apart from the RJD members, the Samajwadi Party MPs

Govt wants to h sh up Brij Bihari case: Modi P-3

also joined them in the well of the House to lend them support.

The RJD members also got support from the Congress benches when Mr Shiv Shankar asked the Prime Minister to assure the House that action would be taken against the CBI officer named by Mrs Rama Devi and also muzzled him as to what had happened to the setting up of the privilege committee which he had promised when Mrs Rama Devi had raised this mat-

ter earlier alleging threat to her and her husband's life. He demanded that the concerned officer be immediately suspended and a proper investigation be carried out into the murder of Mr B B Prasad.

Mr Laloo Yadav said the former minister was arrested by the CBI when he was running high fever. The CBI misbehaved with him and his wife. Despite the protection of commandos he was killed in the hospital. He said there was a nexus between the criminals of UP and Bihar and behind Mr Prasad's murder he feared the hand of the Govindganj MLA.

Mr Yadav was, however, interrupted by Mr Vijay Goel and Mr Virinder Singh of the BJP. Mr Goel said that a person who was about to go to jail was speaking about law and order. It was the responsibility of the Rajiv Government to protect the life of the murdered former minister. Mr Virinder Singh also took up cudgels against Mr Yadav and urged the Speaker to restrain him from holding out threats everyday that he would not allow the House to

Continued on p 11 col 8

House held to ransom

Continued from p 1 col 4
function. It had become a daily routine with him, he remarked.

Mr Prabhu Nath Singh of the Samata Party wanted to know who was responsible for providing protection to the criminals of UP and Bihar in the State of Bihar. "I had talked to Mr Yadav on this subject but no action was taken by the Government to protect the lives of the people," he said.

Prime Minister Atal Behari Vajpayee said that the entire House was agitated over the murder of the husband of a lady member and keeping in mind the wishes of the House he was prepared to order a CBI inquiry into the murder of Mr Prasad. But Mrs Rama Devi as well as the entire RJD group opposed having a CBI inquiry.

The Prime Minister further said that he would want to be guided by the House as to what type of inquiry he should order. There were two aspects one the sphere of privilege committee could be expanded and the other was to order a CBI inquiry. But this was being opposed.

will perform a miracle

Orkney

Hindustan Times
Patna Edition

15/7/98

APPENDIX VIII
(See para 37 of the Report)

120

17/3/98
CENTRAL BUREAU OF INVESTIGATION
EAST ZONE: CALCUTTA
Subject: *Proposal of search and arrest of
Shri Braj Behari Prasad in RC 43(A) 97-Pat*

May kindly refer to ID / Letter / Fax No.(s)
dated on the above noted subject.
Observations / comments of DCBI / SDICI / JD(I) is /are
reproduced below / enclosed for information and necessary action.

DCBI has approved the proposal of search and
arrest of Shri Braj Behari Prasad, an accused
in RC 43(A) 97-Pat.

[Signature]
Dy. Supdt. of Police 17/3
Eastern Zone / CBI
Calcutta

DIG/CBI/*Patna Region, Patna.*
CBI HD No. *71/98 / 3 / 43(A) 97-Pat*
Fax

dated: 17/3

Copy to SP, CBI,
and necessary action.

for information

[Signature]
Dy. Supdt. of Police
Eastern Zone / CBI
Calcutta

Form of Heading of Deposition 61

Case number 456 (C) 98

Deposition of witness No. 03 for the complainant aged about 49 years taken on solemn affirmation on the 22nd day of August 1998.

My name ^{is} Shri Jaiprakash Pandey.

I am ^{son} of Shri Geeta Shankar Pandey. My age is 49 years.

I am ^{a Hindu} by religion.

My home is at Mauja ^{Hardiyana} Police Station, Govindnagar District, East Champaran.

I reside at present in Mauja Sem, Police Station Sem, District Sem. Where I am ^{doing} cultivation.

- 1) I know both the parties of this case.
- 2) The incident occurred on 4-4-98 at 7.30 A.M.
- 3) C.B.I. raided the official residence of the Minister of Energy, Shri Brij Bihari Prasad situated at Bailey road. At the time of raid I was already present there.
- 4) Complainant was looking after her husband.
- 5) Plaintiff said that doctor has advised to get the patient admitted in the hospital immediately. Since the condition of patient is very critical.
- 6) Defendant Shri R.K. Singh, Dy. S.P., CBI said that "the wife of thief would be thief." I have handcuffed many Members of Parliament like you. You will be handcuffed and ^{I will} take you dragging. He said that you have become Member

of Parliament by bogus votes. On hearing this, Rama Devi, M.P. asked him to take his words back and apologise.

7) Defendant did not apologise and did not withdraw even those words.

8. I used to come Patna 5-6 times in a month.

9. A day before the incident I came to Patna to take medicines.

I am a Pharmacist.

-124- 5

^{worth}
I purchased medicines of Rs. 20,000 from Amit Pharmacy on 3.4.98. I took medicines by bus on 5.4.98. I had got medicines ^{only} on 3.4.98. I stayed in the house of Amit Pharmacy on the night of 3.4.98. I stayed at the House of said Minister on the night of 4.4.98. I left the medicines in the pharmacy and went to bus stand there. I came out from this Pharmacy between 6.00 -6.30 a.m. on 4.4.98.

10. On the night of 3.4.98 I came to know from Amit Pharmacy telephone that the Minister is ill. I myself telephoned him at 8 p.m. and came to know that he is very serious. At that time I did not know about the advice given by the Doctor. I was taking tea at that time.

11. I did not find it proper to go to the residence of Minister at that time.

12. I do not find it proper to go to residence of Ministers at night.

13. I saw the defendant at the time of incident. He was about 45 years old and he is a tall person and his complexion is fair. I saw him for the first time.

14. At the time of incident I was in the Varandah. When the incident took place we came outside.

15. The defendant did not say to arrest the Minister. I cannot say that the defendant took away the Minister in his vehicle.

16. The defendant and other senior officers took away the Minister. They took him in their lap. Rama Devi was saying that he may be taken to hospital and thereafter you can take him wherever you like.

sd/-

Md. Jafar Imam
Judicial Magistrate P. R.
15-5-98

APPENDIX X
(See para 62 of the Report)

(125)

Form of Heading of Deposition

Case No. 456 : C : 1998

Deposition of witness No. 4 for the complainant aged about 35 years. Taken on solemn affirmation on the day of 25 August 1998.

My name is : Shri Bhole Prasad Premi
Am Son of : Late Devnandan Prasad
My age is : 35 years.

I am by religion : Hindu

My Nationality is : Indian

My Home is at Mauza : Daut Chhapra, Police Station: Meenapur,

Distt.: Muzaffarpur

I reside at present in Mauza : do, P.S.-do, Distt.-do

Where I am - a Business man.

1. I know both the parties
2. Incident occurred on 4.4.98 at 7.30 A.M.
3. At that time Government residence of Brij Bihari Prasad was raided. *and* Brij Bihari Prasad was unwell and his wife was looking after him.
4. Rama Devi has said that she may be allowed to take her husband in the Hospital for treatment. After that you do your work.
5. Defendant has said that I have handcuffed so many Members of Parliament like you *you* would also be handcuffed and *I will* take you dragging. You are a wife of thief and *you are* also a thief. You have become a M.P. by bogus votes.
6. On hearing this Rama Devi asked him to take his words back and apologise. He has neither apologised nor taken his words back.
7. Rama Devi has a reputation in the society and this has maligned her reputation in the society.

~~80~~ - 126

28-8-98 - 24-8-98 - 24-8-98

8. Besides me, 8-10 persons had witnessed this incident.
9. Smt. Rama Devi is a Member of Parliament from Motihari Lok Sabha constituency.
10. Smt. Rama Devi has great reputation in the society.
11. The said remarks and behaviour of the defendant has damaged the reputation of Rama Devi and it has defamed her.
12. When the plaintiff asked him to tender his apology, I came down. Thereafter, I do not know whether any derogatory word was used or not.
13. When C.B.I personnel came to conduct the raid, I was in the bedroom of Brij Bihari Prasad. Other persons were also in the bedroom. At that time, the doctor was not present in the bedroom.
14. Smt. Rama Devi said that the doctor has left 1/2 hrs. before after the check up.
15. The C.B.I. personnel stated their work immediately after their arrival.
16. I did not understand any reason why the defendant used such derogatory words.
17. As the C.B.I officer entered ^{into} the room, we came in ^{from} the veranda of outside room. Only Smt. Rama Devi and her husband remained in that room.

Sd/-

Jai Parkash Pandey,
22-8-98

Sd/-

Md. Jaffar Imam
22-8-98
J.M.