

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30936 of 2013

Arising Out of PS. Case No. -32 Year- 2012 Thana -C.B.I CASE District- MUZAFFARPUR

Shiv Chandra Prasad Singh, S/o Late Ram Lawleen, Resident of Village-
Daniyari, P.S- Sakra, District- Muzaffarpur.

.... Petitioner.

Versus

The State of Bihar through the Superintendent of Police, Vigilance
Department, Bihar, Patna

.... Opposite Party

with

Criminal Miscellaneous No.31901 of 2013

Vijay Kumar Singh, S/o Ram Chandra Singh, Resident of Village
Sarhachia, P.S.-Aurai, District-Muzaffarpur

.... Petitioner

Versus

The State of Bihar through the Superintendent of Police, Vigilance
Department, Bihar, Patna.

.... Opposite Party

Appearance :

(In Cr.Misc. No.30936 of 2013)

For the Petitioner/s : Mr. P.K. Verma, Sr. Advocate

: Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, (L.O.(I/C Vig.)

(In Cr.Misc. No.31901 of 2013)

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.(I/C Vig.)

Mr. Rabindra Kumar, AC to (L.O.(I/C Vig.)

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**

ORAL ORDER

7 02-09-2015

Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case under
Section 420 and other allied sections of the Indian Penal Code and
Section 7/13(1)(d) read with 13(2) of the Prevention of Corruption
Act.

Both the petitioners are former Panchayat Secretary of Gorigama Panchayat.

The allegation is of misappropriation of Government money in league with the other accused, allocated for purchase of solar lights, construction of 50 lavatories in schools, construction of P.C.C. roads, construction of water tank and laying of pipes for supply of water.

The petitioners submit that they are innocent and have been falsely implicated in the instant case. They submit that earlier the matter was enquired by an officer of the rank of Dy.S.P., who found the allegations to be false. Furthermore, even as per the prosecution case, works for the sum of Rs. 78 lakh allotted as first installation were completed. Later on, the remaining works have also been completed.

Learned Senior counsel for the Vigilance submits that the accused persons including the petitioner in league with each other misappropriated the Government money. They purchased substandard solar lamps and quality of construction works were not of required specifications.

I find that the matter was earlier enquired by the Dy.S.P., who doubted the allegations made against the petitioners. Furthermore, the work for a sum of Rs.78 lakh was already

completed. The claim of the petitioners that remaining works have already been completed is matter of final measurement and accounting.

In the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance (North Bihar), Muzaffarpur in connection with Special Case No. 17 of 2012, arising out of Vigilance P.S. Case No. 32 of 2012 subject to the conditions as laid down under Section 438 (2) of Cr.P.C. with the condition that the petitioners would co-operate in the investigation and would present themselves as and when required without failure.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--