

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60747 of 2017

Arising Out of PS.Case No. -533 Year- 2011 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Akhtar Ansari, Son of Late Usman Ansari, Resident of Ward No.22, Badi Jama Masjid Bhabhua, P.S.- Bhabhua, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mrs. Babita Kumari

For the Opposite Party/s : Mr. Amreshh Kumar,
(AC to L.O., Inc., Vigilance)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-12-2017 Heard learned counsel for the petitioner and learned
counsel appearing for the Vigilance Department.

Petitioner, who is languishing in judicial custody since 03.11.2017, seeks bail in connection with Bhabhua P.S. Case No. 533/2011 for offences punishable under Sections 420, 409, 467, 468, 471, 34 of the Indian Penal Code, but subsequently Sections 13(1)(d) of the Prevention of Corruption Act and Section 120-B of the Indian Penal Code was also added.

The prosecution case, as lodged by the informant, is that as per audit report Civil Surgeon Dr. Uchit Lal Mandal has paid Rs. 5.50 crores to NGOs, Private Nursing Homes, Private Hospitals and Private doctors under Family Planning (Sterilization) Scheme and the



Mother and Child Security Scheme without permission of the District Magistrate. It is further alleged that fictitious bills have been raised and huge amount of money has been misappropriated.

It has been submitted by the learned counsel for the petitioner that he is just the treasurer of a NGO, namely, Madarsa Islamia Kashimul Oloom registered under the Societies Act. He submits that no offence has been committed by him as he was not the Secretary of the said NGO and that the Civil Surgeon has been granted privilege of bail by coordinate Bench of this Court in Cr. Misc. No. 27053 of 2012 on 12.09.2012.

However, learned counsel appearing for the Vigilance Department submits that it is a big scam and Rs. 5,93,500/- has been received by the NGO of the petitioner in which one Noor Hassan Ansari is the Secretary and petitioner is the Treasurer, hence, opposes the prayer for bail.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, Vigilance-1st, Patna, in connection with Special Case No. 7A/2012, arising out of Bhabhua P.S. Case No. 533/2011, subject to the condition that petitioner will file an affidavit before the learned court below that he would regularly cooperate with the investigation. Non-cooperation of the petitioner in the investigation will give liberty to the Vigilance to file application for cancellation of bail by the learned court below.

(Nilu Agrawal, J)

Rajesh/-

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