

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35091 of 2017

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

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1. Dr. Ambarish Kumar Chaturvedi, son of late Ashok Kumar Chaturvedi,
R/o village- Rohiyan, P.O.- Bagharhi, P.S.- Ramgarh, District- Kaimur ,
(Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, LO, I/c Vigilance

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 21-09-2017

Heard learned counsel for the petitioner and learned

Counsel for the Vigilance.

Petitioner apprehends his arrest in Bhabua P.S. Case No.533 of 2011 instituted for the offence under Section(s) 420, 409, 467, 468, 471/34 and 120-B Indian Penal Code and Section 13(1)(d) of the Prevention of Corruption Act pending in the Court of the Special Judge, Vigilance, 1st, Patna.

Instant case has been instituted by the Informant, Ras Bihari Singh, Civil Surgeon, Kaimur, Bhabhua, alleging that co-accused, Uchit Lal Mandal, being the Civil Surgeon committed financial irregularities of the huge amount to the tune of crores. As per the letter dated 22.07.2011 of the District Magistrate-cum-Chairman, District Health Society, Kaimur, as



well as Audit Report bearing No.05/2011-12 of the State Health Committee, Bihar, it is apparent that several irregularities were found during course of audit. It was found that Dr. Uchit Lal Mandal made payment to the tune of Rs.5.50 crores to the NGOs, Private Nursing Homes, Private Hospital and Private Doctors under the Family Planning (Sterilization) Scheme and the Mother and Child Security Scheme without obtaining the prior permission from the District Magistrate-cum-Chairman of the District Health Society. It is alleged against this petitioner that he was Organizer-cum-Manager of the SVM & Health Centre, Bhagwanpur, and he is a *Vaidhya*. His aforesaid organization received Rs.2,20,500/- for sterilization operation. Further allegation against this petitioner is that his NGO violated the instructions as given in the Letter No.4437 dated 26.05.2017 of the State Health Society and also not paid Rs.1,50/- per operation to the motivators. Further allegation is that the aforesaid organization was also not verified by the Quality Assurance Committee.

Counsel for the petitioner has submitted that co-accused, Uchit Lal Mandal, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.09.2012 passed in Cr. Misc. No.27053 of 2012. Similarly, another co-



accused, Dr. Idrish Jauher @ Md. Idrish Johar, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.02.2017 passed in Cr. Misc. No.55553 of 2016. It has further been submitted that the petitioner is merely a caretaker of the aforesaid firm, who has degree of *Vadiya*. Petitioner has pointed out Annexure-3 to show that name of three doctors are mentioned in *Shree Vaishnava Maharshi Manav Swastha Sewa Kendra*. There is general and omnibus allegation leveled against him.

Counsel for the Vigilance has submitted that there is specific allegation against this petitioner that he is Organizer-cum-Manager of SVM Health Centre, Bhagwanpur. By qualification, he is *Vaidya*, but the aforesaid organization received Rs.2,20,500/- for sterilization operation. Further allegation is that NGO of this petitioner also violated the instructions as given in the Letter No.4437 dated 26.05.2017 of the State Health Society and also not paid Rs.1,50/- per operation to the motivators. Further allegation is that the aforesaid organization was also not verified by the Quality Assurance Committee. Counsel for the Vigilance has referred to para 508, 685 of the case diary showing materials against the petitioner.

Counsel for the Vigilance has further submitted that



prayer for anticipatory bail of other co-accused has been rejected by this Court vide order dated 03.04.2017 passed in Cr. Misc. No.4082 of 2017 with Cr. Misc. No.10772 of 2017 and also vide order dated 01.03.2017 passed in Cr. Misc. No.1809 of 2017.

From the order dated 12.09.2012 passed in Cr. Misc. No.27053 of 2012, by which co-accused, Uchit Lal Mandal, was granted anticipatory bail, it appears that the materials in the case diary was not brought to the notice of the Court at that time.

Keeping in view serious nature of allegation against the petitioner, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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