

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44574 of 2017

Arising Out of PS.Case No. -367 Year- 2016 Thana -KOTWALI District- PATNA

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Shambhu Kumar Sinha, aged about 48 years, son of Devsharan Singh, R/o
E- 28, Chitrakut Vihar Colony, Bhagwat Nagar, P.S. Agam Kuan, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate.

For the Vigilance : Mr. Santosh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 13-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Vigilance
Special Case No. 09 of 2017 arising out of Kotwali P.S. Case No.
367 of 2016 instituted for the offence under Sections 418, 420,
409, 467, 468, 120B, 34, 471 of the Indian Penal Code and
Section 13 of P.C. Act.

As per prosecution case, the informant who is owner
of Bindiya Enterprises, situated in Khera District in the state of
Gujarat, participated in the contract/bid of Bihar Secondary
Education Board for supplying answer sheets regarding 2016
examination and his tender was accepted by B.S.E.B. vide letter
dated 1.12.2015 and an agreement were executed between Shri
Harihar Nath Jha, Secretary, BSEB and the informant. It is further



alleged that Lalkeshwar Prasad, Harihar Nath Jha and Store Keeper Vikash Kumar were mainly involved in the aforesaid tender. It has been alleged that Lalkeshwar Prasad and Harihar Nath Jha told the informant that Vikash Kumar (Store Keeper) will handle the whole process regarding the tender. The informant initially sent 4 to 5 trucks answer-sheets and, thereafter, Vikash Kumar accepted to send the answer-sheets to different centers. The informant deposited Rs.4 crores in the ICICI Bank account of Vikash Kumar for that purpose. Vikash Kumar used to keep the answer sheets sent by the informant. The informant sent 28 trucks of answer-sheets worth Rs.8,56,00,234/- and he sent the bill to Vikash Kumar. Thereafter, he made request for payment of the bill, but Vikash Kumar always evaded. The informant thereafter contacted the present Secretary of BSEB Mr. Anup Kumar Sinha and he told that no order has been given to the party of Gujarat. The order has been given to one K.C. Printer, Mathura. Thereafter, the informant learnt that fake order has been given to the informant and he has been cheated. The informant has further alleged that Chairman Lalkeshwar Prasad, Secretary Harihar Nath Jha and Store Keeper Vikash Kumar along with other accused persons have misappropriated the amount.

It has been submitted on behalf of the petitioner that



his Company M/s. Smrity Paper Mills purchased waste paper from various States and Organisation for recycling and manufacturing fresh paper every year and for that, proper invoice and procedure was followed and relevant documents regarding purchase have already been submitted to the Kotwali Police. The petitioner's Company M/s. Smrity Paper Mills is a company adorned with 'Bhama Shah' award for paying maximum tax in the circle for the year 2011-12.

Learned A.P.P. has submitted that Driver-cum-owner of the truck has stated in his statement that he unloaded all three trucks of answer-sheets of Bihar School Examination Board in the firm of the petitioner namely, Smrity Paper Mill. The police conducted raid and recovered the answer sheets from the premises of the petitioner and prepared the seizure list. It has come in paragraph-63 of the case diary that petitioner and other three staffs of the firm namely, Smrity Paper Mill were indulging in such illegal act from before. The seizure list witnesses have supported the recovery of bundles of answer sheets from the firm of this petitioner. The witnesses namely, Indrajit Kumar and Subodh Kumar who are staffs of the firm of the petitioner and the truck driver Sohrai Rai in their statement under Section 164 Cr. P.C. have supported the allegation of recovery of answer sheets of



Bihar School Examination Board from the firm of the petitioner namely, Smrity Paper Mills.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

(Sanjay Priya, J)

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