

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32176 of 2017

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

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1. Bijendra Kumar Pandey, Son of Sachidanand Pandey, resident of
Mohalla-Ward No. 3 Bhabua, P.S.-Bhabua, District-Kaimur at Bhabua.
.... Petitioner/s

Versus

1. The State of Bihar through the Department of Vigilance, Patna
.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, 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

4/ 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. There is allegation against this petitioner that he is holder of Account No.593502010000597 of Union Bank of India, Bhabhua, and he is also joint operator of Account No.462210110000735 along with accused Ramanuj Upadhyay, who is Secretary of Public Welfare Society cum Janta Sewa Sansthan and his organization received Rs.26,04,000/- for sterilization operation and Rs.9,10,500/- for safe delivery through the aforesaid accounts. It is further alleged against this petitioner that he 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.

Counsel for the petitioner has submitted that he is not named in the First Information Report. There is no any complaint made by any motivator with regard to non-payment of



money. It has further been submitted that co-accused, Ramanuj Upadhyay, who is the President of the Society, has been granted anticipatory bail by the Court below itself by order dated 19.12.2016.

Counsel for the petitioner has further 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.

Counsel for the Vigilance has submitted that this petitioner was joint operator of account along with accused Ramanuj Upadhyay, who is Secretary of Public Welfare Society cum Janta Sewa Sansthan and his organization received Rs.26,04,000/- for sterilization operation and Rs.9,10,500/- for safe delivery through the aforesaid accounts. 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. Counsel for the Vigilance has referred to para 418, 618, 654, 571, 307, and 435 of the Case Diary and submitted that there are materials against



him in the case diary showing his involvement in the case.

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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