

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45079 of 2017

Arising Out of PS.Case No. -127 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Indrajit Mukherjee Son of Late Asit Kumar Mukherjee, resident of Flat No. - 304, Block- A, Om Nirmalaya Apartment, Nageshwar Colony, Boring Road, P.S.- Buddha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Cabinet Vigilance, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.Vigilance)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 22-09-2017

Heard learned counsel for the petitioner

and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406/409/420/467/468/471/477A/120B of the Indian Penal Code and Sections 13(2)/13(1) of the Prevention of Corruption Act, 1988.

The petitioner, at the relevant time was posted as Assistant Director, Computer, in the SC/ST Welfare Department, Government of Bihar. The Welfare Department in the year 2013-14 had sanctioned funds to two institutions for payment of scholarship to the SC/ST students studying thereat. The Institutions were Gonna



Institute of Information Technology & Sciences at Visakhapatnam and Guntur Engineering College at Guntur.

Allegation is that under a conspiracy with other office bearers of the welfare department and of those institutes the fund allotted were not paid to the students and on inquiry from those institutes it was found that the students had already left the technical institute.

Submission of the learned counsel for the petitioner is that the secretary of the SC/ST Welfare Department, Government of Bihar, has already been allowed anticipatory bail by this Court in Cr. Misc. No.23182 of 2017 considering the fact that the letter whereby the funds were allotted reveals that there was direction to those institutes to disburse scholarship fund only on verification of the regular attendance of the SC/ST students. True status of the students regarding their caste and after the verification of the conduct of the students.

Submission is that if the payment was made in violation of those regulations mentioned in the allotment letter, the authorities of those institutes are responsible. Further submission is that the petitioner has



no role in allocation of fund. Therefore, prima facie liability is not of the petitioner. Further submission is that the petitioner is ready to cooperate with the investigation and trial of the case, he has got no criminal antecedent.

Considering the substance in the submission aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court Vigilance-I, Patna/successor Court in connection with Patna Vigilance Case No.127 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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