IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48005 of 2017

Arising Out of PS.Case No. -131 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Md. Irshad Ansari Son of Md. Abdus Shakoor Ansari, R/o Village- Begpur, P.O.- Bounsi, P.S.- Barahat, District- Banka at present Posted as District Program Officer in the office of Mass Education Directorate, Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through Vigilance, Bihar , Patna.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Md. Nurul Hoda
For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.,Vigilance)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 13-11-2017 Heard Mr. S.S.Dvivedi, the learned senior counsel for the petitioner and the learned A.C. to Law Officer(Vigilance).

The gist of the allegation that the petitioner being the District Programme Officer in collusion with the District Education Officer, Bhojpur with others, the Headmasters and the Secretary of the N.G.O. defalcated huge amount i.e. about 8 crores in the name of construction of additional building in different schools falling within the district of Bhojpur, Ara.

The informant alleged that for construction of additional buildings in 123 schools was approved and in pursuance of execution of work, Md. Irshad Ansari, the petitioner issued cheques in the name of Vidyalaya Shiksha Samiti vide Cheque

No.550068 dated 28.03.2016 of Rs.7 crores and odd and vide Cheque No.550069 dated 28.03.2016 of Rs.2,97,85,500/- but in spite of issuance of cheques, the petitioner instructed the Punjab National Bank not to disburse the amount in favour of the Vidyalaya Shiksha Samiti. The aforesaid amount in collusion with the District Education Officer was transferred to the account of Madhya Bihar Gramin Bank, Anaith and thereafter the aforesaid amount were credited in the account of the Headmasters of different schools who issued cheques in collusion with the petitioner and others in favour of Matriya Consultancy Services Pvt. Ltd., a N.G.O. in H.D.F.C. Bank, Pune but it appears that no work was done and the entire money was siphoned.

Mr. S.S. Dvivedi, the learned senior counsel appearing on behalf of the petitioner submitted that so far as the allegation that the petitioner changed list of schools approved earlier, the file was processed through District Education Officer namely, Suresh Prasad and a Committee consisting of D.M., Bhojpur, Ara also changed the list of schools for construction of additional classroom. It is further submitted that the District Education Officer vide letter No.545 dated 21.05.2016(Annexure-7) directed the Branch Manager of Punjab National Bank to transfer the entire amount as directed by the D.P.O. in the account of Madhya Bihar

Gramin Bank, Branch Anaith and there is no illegality from the account of Madhya Bihar Gramin Bank. The amount was sent in the name of different Headmasters of the schools who issued cheques in favour of the N.G.O. as the N.G.O. was entrusted to supply the construction materials but it appears from perusal of the entire records that the earlier cheques issued by the petitioner in favour of Vidyalaya Shiksha Samiti was without rhyme and reason but petitioner again issued order to stop the payment. Thereafter, the entire amount meant for construction of additional building of the schools was transferred to Madhya Bihar Gramin Bank, Branch Anaith and the amount was sent in the name of different Headmasters of the schools who without getting the works constructed transferred the entire amount in the account of the N.G.O. in H.D.F.C. Bank at Pune and thereby the petitioner along with the D.E.O., the Headmasters and the Secretary of the N.G.O. in collusion with each other defalcated the entire amount. It has also come that the petitioner had talk with the Secretary of N.G.O. on 257 occasions.

It has also come that the anticipatory bail petition of D.E.O., namely, Suresh Prasad has already been rejected by the order dated 20.07.2017 passed in Cr. Misc. No.28012 of 2017. There is prima facie material against the petitioner that he in collusion with other accused persons defalcated Government money of about 8 crores.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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