

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10994 of 2017

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

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1. Rajiv Singh, Son of Lal Bahadur Singh, Resident of Village- Paura, P.S. Chand, District- Kaimur.

.... Petitioner

Versus

1. The State of Bihar Through Vigilance

.... Opposite Party

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Appearance :

For the Petitioner : Smt. Soni Shrivastava, Advocate
For the Opposite Party : Mr. Ramakant Sharma (L.O.,Inc.,Vigilance)
Mr. Rabindra Kumar, Ac to Vigilance

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 28-04-2017 Heard learned counsel for the petitioner, learned
counsel for the vigilance and learned counsel for the State.

The petitioner apprehends his arrest in connection with Special Case No. 07 of 2012, arising out of Bhabhua P.S. Case No. 533 of 2011, registered for the offences punishable under Sections 409, 420, 467, 468, 471/34, 120(B) of the Indian Penal Code and Section 13(1) (d) Prevention of Corruption Act.

This case has been instituted by the informant Dr. Ras Bihari Singh, Civil Surgeon, Kaimur, Bhabhua, making allegation that the petitioner and other co- accused persons committed financial irregularities of huge amount to the tune of crores of rupees. As per letter No. 1117 dated 22.07.2011 written by Secretary Health-cum-Executive



Director, State Health Society as well as audit report of State Health Society, it is apparent that several irregularities were found during course of audit that the accused Dr. Uchit Lal Mandal has made payment to the tune of Rs. 5.50 crores to the Non-government Organization/Private Nursing Homes, Private Hospital and Private doctors under the Family Planning (sterilization) scheme and Mother and Child Security Scheme without obtaining prior permission from the District Magistrate-cum-Chairman of the District Health Society, Kaimur, Bhabhua. Further it has been found that Rs. 54.88 lacs which was wrongly paid to Non Governmental Organizations, Private Hospitals and Private Nursing Homes under the aforesaid scheme. In the bill there is repetition of names and address of beneficiaries. There is difference in the signature of the Secretary of Non governmental Organization. The names and address of the same beneficiaries were found in the bills of multiple Non Governmental Organization/Hospitals/Nursing Homes. One beneficiary has been shown to have 11 deliveries in the period of four months and one beneficiary has been shown to have 14 sterilization operations in the period of four months. Non Governmental Organization/Hospitals/ Nursing Homes have



failed to produce the proper documents when required to do the same during inspection by the audit team. Payment has been made twice for the same bill and the date has not been indicated in the bills. The petitioner showing a fake N.G.O. by the name of “Gram Seva and Sambhardhan Parisad” got Rs. 65,99,000/- on false claim or operation done by N.G.O. Gram Seva and Sambhardhan Paisad .

Submission is of false implication and that the petitioner is the President of “Gram Seva and Sambhardhan Parisad”. For three years approval was given to do operations. The petitioner’s N.G.O. was inexistence and it was false that it was non-existence. In the instant case Civil Surgeon Dr. Uchit Lal Mandal has been granted anticipatory bail by another co-ordinate bench of this Court by order dated 12.09.2012 passed in Cr. Misc. No. 27053 of 2012 and further Md. Idarish Jauher @ Md. Idrish Johar has also been granted anticipatory bail by another co-ordinate of this court vide order dated 08.02.2017 passed in Cr. Misc. No. 55553 of 2016 further Sahid Kamal, the then District Programme Manager and Kamlesh Kumar Verma, the then District Accounts Manager the District Health Society, Kaimur have also been granted anticipatory bail by the another co-ordinate



bench of this Court.

The learned senior counsel for the Vigilance opposes the prayer of bail by submitting that prayer of bail of Sanjiv Kumar Singh has been rejected though against him, there was allegation for taking Rs. 1,81,500/- on false claim for operations done by his N.G.O. whereas the petitioner has received payment of Rs. 65,99,000/- on false claim for operations done by N.G.O. “Gram Seva and Sambhardhan Parisad”. During investigation, no facility was found in the said N.G.O. and in the name of N.G.O. huge amount has been misappropriated.

The learned Special P.P. further submits that prayer of bail of Sanjeev Singh has already been rejected and further the prayer of pre-arrest bail of Dr. Pramod Kumar Singh and Dr. Arjun Kumar Singh have also been rejected vide Cr. Misc. No. 4082 of 2017 and Cr. Misc. No. 10772 of 2017 further the prayer of pre-arrest bail of Barun Kumar Singh @ Varun Kumar Singh has also been rejected vide Cr. Misc. No. 1809 of 2017 and, as such, the petitioner does not deserves sympathetic consideration.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I



am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Special Case No. 07 of 2012, arising out of Bhabhua Case No. 533 of 2011, pending in the Court of learned Special Judge, Vigilance-1, Patna.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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