

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24476 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -VIGILANCE District- PATNA

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Anuradha Gupta @ Anuradha Devi, Wife of Sri Rajesh Kumar Gupta,
Resident of Hospital Road, Naya Bazar, Pokhra, Near Adda No.3, P.O.-
Siwan, P.S.- Siwan Town, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar through the Vigilance.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Adv.

For the Opposite Party/s : Mr. Arvind Kumar, Law Officer, Vigilance

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

6 27-07-2017 Regard may be had to detailed order, dated

06.06.2017, passed in this case, whereby, the Vigilance

Investigation Bureau, Patna, was directed not to take any

coercive action against the petitioner till the next date of

hearing.

It appears that the petitioner, at the relevant point of

time, was the Chairman of Siwan Nagar Parishad. During her

period, certain number of solar lights were purchased. It is



alleged that the purchases were made without prior approval of the Full Committee of the Nagar Parishad and contrary to the guidelines, issued for purchasing of solar lights. Allegedly only 100 solar lights were sanctioned to be purchased as against which 330 solar lights were purchased, during the period in question.

In response to specific query made by this Court, as to whether there is any allegation of misappropriation of any public money for personal gain of the petitioner, learned Counsel, appearing on behalf of the Vigilance Investigation Bureau, has submitted that the petitioner acted in collusion with other officials of the Nagar Parishad and the supplier of solar lights. He has also submitted that the supplies of solar lights had been taken and the bills released to the suppliers without following the mandatory Bihar Finance Amendment Rule, 2005. He has also submitted that apart from purchasing of solar lights, irregularities have been found in purchasing of LED Street Lights, Dust Bin, Garbage Rickshaw etc.

Learned Senior Counsel, appearing on behalf of the petitioner, has submitted that the decision to purchase the solar lights was taken by the Empowered Standing/Purchase



Committee. He has submitted that in the absence of any specific allegation of diversion of fund or misuse of public money for personal gain, the petitioner cannot be held to be criminally liable. It has also been submitted on behalf of the petitioner that since the allegations are based on documents, which are already available with the Vigilance Investigation Bureau, there is no chance of any tampering with the evidence. Learned Senior Counsel, appearing on behalf of the petitioner, has also submitted that the petitioner shall make herself available to the investigating agency or the Court, as and when required.

Considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Special Judge, Vigilance, North Bihar, Muzaffarpur**, in connection with **Special Case No. 03 of 2017 arising out of Patna Vigilance P.S. Case No. 01 of 2017**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioner shall present himself/herself before the police/Court, as the case may be, as and when required and in the event of failure on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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