

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1809 of 2017

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

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Barun Kumar Singh @ Varun Kumar Singh Son of Late Lakshmi Singh
Resident of Village-Akhlaspur, P.S. Bhabua, District Kaimur at Bhabua

.... Petitioner/s

Versus

. The State of Bihar Through D. G. Vigilance, Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Km. Shashi Bala Verma

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,I/C Vig.)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 01-03-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in special case
no. 07 in connection with Bhabhua P.S. Case No. 533 of 2011
instituted for the offence under sections 420, 409, 467, 468, 471
and 34 of the Indian Penal Code alongwith 120B I.P.C. and under
section 13(1) (D) of the Prevention of Corruption Act.

This case has been instituted by the informant Dr.
Ras Bihari Singh, Civil Surgeon, Kaimur at Bhabhua alleging that
the accused persons of this case committed financial irregularities
of huge amount to the tune of crores of rupees. As per letter no.
1117 dated 22.2.2011 written by Secretary Health-cum- Executive
Director, State Health Society as well as audit report of the 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-governmental 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 at Bhabhua.

It was also found from perusal of document that there was irregularity in payment of Rs. 54.88 lacs which was wrongly paid to non-governmental organizations, Private hospitals and private nursing homes under the aforesaid scheme.

There is repetition of names and addresses of beneficiaries in the same bill. There is difference in the signature of Secretary of non-governmental organization. The names and addresses of the same beneficiaries were found in the bills of multiple N.G.Os./hospitals/ nursing homes.

The names and addresses of the same beneficiaries as given in the bills submitted under mother and child security scheme by one non-governmental organization/hospital/nursing home have been again given in the bills submitted under family planning sterilization scheme by another non-government



organization/ hospital, nursing homes.

One beneficiary has been shown to have twelve 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 proper document when required to do the same during the inspection by the audit team. Payment has been made twice for the same bill and the date has not been indicated on the bills.

It is alleged against this petitioner that an excess payment of Rs. 3000/- was paid to him being owner of Gandhi Kusth Niwaran Paritishthan, Bhabhua.

It is also alleged that Budha Vikash Sansthan of this petitioner received payment of Rs. 3,76, 000/- towards the operation conducted through it but the Budha Vikash Sansthan was not found in existence of the aforesaid NGO

C.D. has been received in this case.

The learned A.P.P. has submitted that there is specific allegation against this petitioner in para 340 and 386 of the case diary.

In this manner, there is serious allegation of irregularities committed by the accused persons. There is specific



allegation that a sum of Rs. 3,76,000/- was received by this petitioner and NGO namely, Budha Vikash Sansthan of this petitioner was found to be non-existence and being fake one. Therefore, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is rejected.

The petitioner is directed to surrender before the court below and pray for regular bail.

(Sanjay Priya, J)

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