

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32477 of 2017

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

1. Saroj Kumar, son of Ramji Singh, resident of Mohalla- House No. 68,
Chhawani Mohalla, Ward No. 4 (new- 8), Bhabua, P.S.- Bhabua,
District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar through the Department of Vigilance

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, LO, I/c, Vigilance

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 21-09-2017

Heard learned counsel for the petitioner and learned
Counsel for the Vigilance.

Petitioner apprehends his arrest in Bhabua P.S. Case
No.533 of 2011 instituted for the offence under Section(s) 420,
409, 467, 468, 471/34 and 120-B Indian Penal Code and Section
13(1)(d) of the Prevention of Corruption Act pending in the
Court of the Special Judge, Vigilance, 1st, Patna.

Instant case has been instituted by the Informant,
Ras Bihari Singh, Civil Surgeon, Kaimur, Bhabhua, alleging that
co-accused, Uchit Lal Mandal, being the Civil Surgeon
committed financial irregularities of the huge amount to the tune
of crores. As per the letter dated 22.07.2011 of the District
Magistrate-cum-Chairman, District Health Society, Kaimur, as
well as Audit Report bearing No.05/2011-12 of the State Health



Committee, Bihar, it is apparent that several irregularities were found during course of audit. It was found that Dr. Uchit Lal Mandal made payment to the tune of Rs.5.50 crores to the NGOs, Private Nursing Homes, Private Hospital and Private Doctors under the Family Planning (Sterilization) Scheme and the Mother and Child Security Scheme without obtaining the prior permission from the District Magistrate-cum-Chairman of the District Health Society. Allegation against this petitioner is that he was jointly operating Account No.30894998164 of SBI, Bhabhua, along with co-accused, Dr. Narsing Prasad, who is Proprietor of Jan Kalyan Hospital, G.T. Road, Mohania. This hospital received Rs.20,65,500/- for sterilization operation and Rs.10,56,000/- for safe delivery and all the operation of sterilization were done by Dr. Manoj Yadav, but on verification no doctor in the name of Dr. Manoj Yadav was found. It is further alleged against this petitioner that he has violated the instructions as given in the Letter No.4437 dated 26.05.2017 of the State Health Society and also not paid Rs.1,50/- per operation to the motivators.

Counsel for the petitioner has submitted that he is not named in the First Information Report. There is no allegation by any motivator about not receiving the money. It has further been submitted that co-accused, Dr. Narsingh Prasad Singh, has



been granted bail by the Court below itself.

Counsel for the petitioner has further submitted that co-accused, Uchit Lal Mandal, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.09.2012 passed in Cr. Misc. No.27053 of 2012. Similarly, another co-accused, Dr. Idrish Jauher @ Md. Idrish Johar, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.02.2017 passed in Cr. Misc. No.55553 of 2016. It is also submitted that co-accused, Dr. Dineshwar Singh @ Mantu Singh, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.07.2017 passed in Cr. Misc. No.29929 of 2017.

Counsel for the Vigilance has opposed the prayer for bail and submitted that this petitioner was jointly operating Account no.308949998164 of the SBI along with co-accused, Dr. Narsingh Prasad, who is the Proprietor of Jan Kalyan Hospital, G.T. Road, Mohania. His hospital received Rs.20,65,500/- for sterilization operation and Rs.10,56,000/- for safe delivery and all operation of sterilization was done by Dr. Manoj Yadav, but on verification no such doctor was found. Petitioner has violated instructions as given in the Letter No.4437 dated 26.05.2017 of the State Health Society and also not paid Rs.1,50/- per operation to the motivators. Counsel for the Vigilance has referred para



224, 396, 613, 622, 657 of the case diary and submitted that there is sufficient material to show involvement of the petitioner.

Counsel for the Vigilance has further submitted that prayer for anticipatory bail of other co-accused has been rejected by this Court vide order dated 03.04.2017 passed in Cr. Misc. No.4082 of 2017 with Cr. Misc. No.10772 of 2017 and also vide order dated 01.03.2017 passed in Cr. Misc. No.1809 of 2017.

From the order dated 12.09.2012 passed in Cr. Misc. No.27053 of 2012, by which co-accused, Uchit Lal Mandal, was granted anticipatory bail, it appears that the materials in the case diary was not brought to the notice of the Court at that time.

Keeping in view serious nature of allegation against the petitioner, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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