

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37023 of 2017

Arising Out of PS.Case No. -127 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Sanjay Kumar, son of Sri Ram Swaroop Prasad, Resident of Hilsa, P.S. Hilsa, District- Nalanda, presently posted at District Welfare Office, Gaya and Deputed at S.C. & S.T. Welfare Department, Bihar.

2. Vidhay Chandra Rai @ Bidhan Chandra Ray, son of Late Birendra Kumar, Resident of Gopal Kutir, Ram Nagar, Kadma Road, Hazaribagh, P.S. Hazaribag, District- Hazaribag (Jharkhand), presently posted as Incharge Sub- Divisional Welfare Officer at Supaul Sub- Division and deputed at S.C. & S.T. Welfare Department, Bihar.

.... Petitioners

Versus

The State of Bihar through the Vigilance

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Chaudhary, Adv.
: Mr. Prakash Kumar, Adv.
: Mr. Manoranjan Kumar, Adv.
For the Vigilance : Mr. Ramakant Sharma, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 06-12-2017 Heard learned counsel for the petitioners
and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 409, 420, 467, 468, 471, 477(A) and 120B of the Indian Penal Code as well as under Section 13 of the Prevention of Corruption Act, 1988.

The petitioners, at the relevant time were posted on deputation as Office-Assistant, in the SC/ST Welfare Department, Govt. of Bihar. The Welfare Department in the year 2013-14 had sanctioned funds to two Institutions



for payment of scholarship to the SC/ST students belonging to the State of Bihar and studying thereat. The Institutions were Gonna Institute of Information Technology & Sciences at Visakhapatnam and Guntur Engineering College at Guntur.

Allegation in the FIR is that the office-bearers of the Welfare Department in collusion with those Institutes allotted the funds which were not paid to the students and on enquiry from those Institutes it was found that the students had already left the technical institute.

Learned counsel for the petitioners submits that the Secretary of the SC/ST Welfare Department, Govt. of Bihar, was already allowed anticipatory bail by this Court in Cr.Misc. No. 23182 of 2017 and Assistant Director of the Department was allowed anticipatory bail on 22.09.2017 in Cr.Misc.No. 45079 of 2017.

Considering the fact that the funds were allowed to those Institutes, on receipt of their request letter that SC/ST students from the State of Bihar are studying thereat alongwith name of such students. Thereafter, the fund was allotted alongwith a letter containing directions for utilizations of the same and it was specifically stated therein that the disbursement of scholarship fund should be made



only on verification of the regular attendance of the SC/ST students as well as after verification of the true status of their caste and residence alongwith their conduct in the Institute.

Submission of the petitioners was that if the payment was made in violation of those regulations mentioned in the allotment letter, the authorities of those Institutes were responsible and not the office-bearers of the SC/ST Welfare Department, Govt.of Bihar.

Submission of the petitioners is that the petitioners at the relevant time had just processed the file for allotment of fund that much is the material against the petitioners as submitted by the learned counsel for the Vigilance.

Learned counsel for the Vigilance opposed the prayer for anticipatory bail. However, concedes, there is no material against the petitioners in the case diary save and except that they had processed the file for allotment of fund.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the



satisfaction of learned court below where the case is pending in connection with Special Case No. 68 of 2016, arising out of Vigilance P.S.Case No. 127 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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