

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23182 of 2017

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

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1. S. M. Raju, son of Sri Munilakkappa, resident of Village- Mallur, P.S.- Sidlaghatta, District- Chikkaballapur, State- Karnataka, Local address at B-3/68, Bailey Road, P.S.- Kotwali, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Cabinet Vigilance, Bihar Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Ashish Giri, Advocate

For the Opposite Party/s : Mr. Arvind Kumar (L.O,I/C Vigi)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 06-07-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406/409/420/467/468/471/477A/120B of the Indian Penal Code and Sections 13(2)/13(1) of the Prevention of Corruption Act, 1988.

The petitioner was Secretary of SC/ST Welfare Department, Government of Bihar. The Welfare Department in the year 2013-14 had sanctioned fund to two institutions, one Gonna Institute of Information Technology and Science, Vishakapatnam, Andhra Pradesh, and another Guntur Engineering College, for payment of scholarship to the SC/ST



students of the State of Bihar studying in those technical institutes for fees and maintenance. The allotments were through letter dated 09.02.2016 at page-55 and letter dated 09.02.2016 at page-103.

Allegation against the petitioner and others of the said department is that under a conspiracy the fund was allotted to those institutes though payments were not made to the concern students and on enquiry it was found that the students had already left the technical institutes.

Submission of the learned counsel for the petitioner is that the perusal of the allotment letter at pages-55 and 103 would reveal that there was direction to those institutes to release scholarship fund only on verification of the regular attendance of the students. True statement of the students regarding their caste status after the verification of the conduct of the students and their involvement in the criminal cases. If the payment was made in violation of the regulation, by the concerned institutes, conspiracy of the petitioner cannot be assumed. Moreover, the file for allotment of the funds for welfare of the SC/ST candidates moves/ passes through different levels on the basis of the request received from the concerned institutes submitting therewith certain affidavits disclosing the correct status of the SC/ST students. Therefore, prima facie, liability of the petitioner is not there. Petitioner is ready to cooperate with the investigation and trial of



the case. He has got no criminal antecedent.

Learned counsel for the petitioner further submits that there is a scheme of the Government for post metric scholarship to the students belonging to scheduled tribes for studies in India vide Annexure-2 series. Scheme 19 reads as follows:

“Financial assistance given under the scheme shall not be utilized for any other purpose. If the college concerned failed to utilize the grant for the purpose for which it is given, the amount shall be refunded to the Central Government. The State Government/Union Territories should furnish statement of expenditure and utilization certificate.”

Submission is that the aforesaid scheme clearly indicates the responsibility of the college concerned. There is no allegation against the petitioner that the fund was allotted only on paper and it did not reach to the concerned college.

Learned counsel for the Vigilance has drawn the attention of this Court towards different paragraphs of the case-diary for his submission is that the payment of scholarship was shown to such candidates who have already passed out from the college prior to allotment and again they were shown to be admitted in the college. He further submits that about 15 students were found to have already left the college and there was no evidence of the fact that they were residing in the hostel or studying in the college.



The aforesaid material, prima facie, shows laches on the part of the said institutions. There is no direct evidence of conspiracy against the petitioner.

Petitioner is ready to cooperate with the investigation and trial and there is no material to substantiate that the petitioner is likely to tamper with the evidence. Hence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court Vigilance-I, Patna/Successor Court in connection with Patna Vigilance Case No.127 of 2016/Special Case No.68 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioner in this case.

(Birendra Kumar, J)

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