

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21878 of 2018

Arising Out of PS.Case No. -131 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Kaulesh Ray @ Kailash Ray Son of late Ramhut Rai Resident of Village Kashichak, P.S. Koilwar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar Through Vigilance, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.Vigi.)
assisted by Mr. Rabindra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-04-2018 The petitioner is apprehending his arrest in connection with Vigilance P.S. Case No. 131/16, registered for offences punishable under Sections 467, 468, 469, 471, 420, 120(B) of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

Petitioner happens to be the Headmaster of Upgraded Middle School, Hazari K Tola and allegation against him is of defalcation of Rs. 40,00,000/- meant for the construction of school building.

It has been submitted on behalf of the petitioner that for the same occurrence two F.I.Rs has been instituted one by police and another by the Vigilance department and further the petitioner has no role to play in the alleged defalcation rather it is the District Programme Officer and the District Education Officer, who had called a meeting of entire Headmasters of the District and asked them to issue the cheque in favour of one Matiray Consultancy



Pvt. Ltd. Moreover, the petitioner has already been granted the privilege of anticipatory bail in the case lodged by the police vide order dated 02.08.2017 passed by a coordinate Bench of this Court in Cr. Misc. No. 18345 of 2017 and the present case has been lodged at the instance of Vigilance Department.

Learned counsel appearing on behalf of Vigilance Department opposed the prayer for bail and submitted that petitioner has defalcated Rs. 40,00,000/-, which was meant for construction of extra class rooms and thus he has caused loss to the Government exchequer.

Having heard both sides, considering the facts and circumstances of the case, let petitioner surrender before the court below within a period of four weeks and on his surrender the court below shall enlarge him on provisional bail to his own satisfaction with condition that once the charge-sheet is submitted against the petitioner and the case is found true against the petitioner, he has to surrender before the court below and pray for regular bail, which will be considered by the court below on the basis of materials available at that time.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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