IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14831 of 2018

Arising Out of PS. Case No.-515 Year-2017 Thana- GANDHIMAIDAN District- Patna

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Dinesh Kumar, son of Vasudeo Prasad Singh, resident of Village- Kalyanpur, Police Station- Fatuha, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Director General Vigilance Department, Govt. of Bihar, Patna.

... ... Opposite Party/s

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with

Criminal Miscellaneous No. 15231 of 2018

Arising Out of PS. Case No.-515 Year-2017 Thana- GANDHIMAIDAN District- Patna

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Diwakar Singh @ Deepak Raj S/o Bachchu Raj Singh, R/o Mohalla- Kilagarhpar East, P.S.- Deepnager, P.O.- Bihar Sharif, District - Nalanda.

... ... Petitioner/s

Versus

The State of Bihar Through Vigilance Deppt., Bihar, Patna.

... ... Opposite Party/s

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Appearance :
(In Criminal Miscellaneous No. 14831 of 2018)
For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate.
For the Opposite Party/s : Mr. Ajay Mishra, APP
(In Criminal Miscellaneous No. 15231 of 2018)
For the Petitioner/s : Mr. Radha Mohan Singh, Advocate.
For the Opposite Party/s : Mr. Ajay Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

5 07-05-2018 Heard learned counsels for the petitioners and the State.

The petitioners, already in custody, seek bail in connection with Gandhi Maidan P.S.Case No. 515 of 2017 registered under Sections 367, 409, 420, 468, 471 and 120B of the Indian Penal Code and Section 13(i)(c)(d) read with 13(ii) of the Prevention of Corruption Act.

Allegation relates to a scam with regard to fraudulent withdrawal of huge Government money to the tune of Rs. 14

crores and odd for construction of toilets under Lohiya Swachhata Yojana, sponsored by the Government of India. It is alleged that during financial review of the scheme, it is revealed that 14 crores and odd amount was already incurred on construction of toilets in such a short period so after inquiry, it got exposed that one Bateshwar Prasad Singh, Accountant-cum-Treasurer, at the relevant point of time in association with Vinay Kumar Sinha, the then Executive Engineer-cum-Member Secretary, DWSE, have transferred those amounts to the accounts of favourite NGOs and also transferred money in personal account of two individuals.

Learned counsel, appearing on behalf of petitioner Dinesh Kumar, submits that he is not named in the FIR, he is a Block Motivating Coordinator and Rs. 4,20,000 /- was transferred in his account as he had constructed soak-pits by the order of the department.

Learned counsel, appearing on behalf of petitioner Diwakar Singh @ Deepak Raj, submits that petitioner is husband of Smt. Suman Singh, a Convener of Aadi Shakti Seva Sansthan, a Non-governmental Organisation, so Rs. 10 crores and odd amount was transferred to the account of that N.G.O and the petitioner has no concern of it, however, Rs. 10 lacs was transferred to his personal account by his wife but he is ready to return back the said amount and some of the accused not named in the FIR has been admitted to bail by the different co-ordinate Benches of this Court vide Cr. Misc. No. 7808 of 2018, Cr. Misc. No. 10197 of 2018 and Cr. Misc. No. 14985 of 2018.

Whereas learned counsel for the State submits that it's a big scam, the money for construction of toilets was directly to be given to the beneficiaries to promote and maintain cleanliness in the country. The N.G.O(s) and the petitioners had no business concerning with the construction of toilets rather the money for construction of toilets were siphoned off in connivance with the officials and N.G.O(s). He further submits that Rs. 4 lacs was transferred into the account of petitioner Dinesh Kumar, a Block Motivating Co-ordinator, and he had no business with the construction of toilets and no such order for construction of soak-pits was given to him by any authorizes. He further submits that in the case of Diwakar Singh @ Deepak Raj, Rs. 47 lacs was transferred in his personal account out of the amount received by the N.G.O run by wife and the said amount was withdrawn by him.

Having considered the nature of offence showing enormity of corruption and large scam frustrating the scheme of the Government and involvement of the petitioners, hence the prayer of bail of both the petitioners is rejected.

Trial court is directed to expedite the trial.

(Arun Kumar, J)

sujit/-

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