# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Criminal Miscellaneous No.18063 of 2018**

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

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1. Ajay Kumar S/o Vinod Singh, R/o Mohalla- Hardia, Sector -A, P.S.- Rajauli, District- Nawada.

.... .... Petitioner

Versus

1. The State of Bihar Through Cabinet Vigilance, Bihar.

.... .... Opposite Party

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**Appearance :**

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| For the Petitioner/s | : | Mr. Pramod Pandey, Adv. |
| For the Opposite Party/s | : | Mr. Amrendra Kumar Sharma, assistant to (L.O.,Inc.Vigi.) |
| For the State | : | Mr. Ajay Mishra, APP |

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**

ORAL ORDER

4 02-05-2018 The petitioner is apprehending his arrest in connection with Spl Case No. 349 of 2017 arising out of Gandhi Maidan P.s. Case No. 515/2017, registered for offences punishable under Sections 467, 468, 471, 409, 420, 120-B/34 of the Indian Penal Code and Section 13(1)(c)(d) read with Section 13(2) of the Prevention of Corruption Act.

Prosecution case is that two schemes, namely, Swachcha Bharat Mission (Rural) sponsored by the Government of India and another Lohiya Swachchata Scheme sponsored by the Government of Bihar has been started and that has to be executed by the District Magistrate, Patna through Public Health Engineering Department, and during inspection certain irregularities/misappropriation of fund was suspected as it was found that huge amount of Rs. 14,36,91,509/- was spent in a very short span of time i.e. between 01.05.2016 to 23.06.2016 and during enquiry, it transpired that an amount of Rs. 12,18,51,842/- was to be transferred in the account of the beneficiaries as expenditure for construction of Toilet, which was illegally transferred in the account of some NGOs by the authorities of Public Health Engineering Department including the account of one NGO, namely, Adisakti Sewa Sansthan, run by Uday Singh and Suman Singh, in which Rs. 10,03,94,942/- was transferred and the petitioner being brother of Director of the said NGO, withdrew the huge amount from the account of said NGO maintained with Allahabad Bank and Madhya Gramin Bank.

It has been submitted on behalf of the petitioner he has nothing to do with the allegation and he has not been named in the F.I.R and his name transpired during the course of investigation and he has been made accused in this case only because he happens to be the brother of Director of the said NGO. Further there is no evidence that any amount has been transferred in the account of the petitioner.

Learned counsel for the State opposed the prayer for bail and submitted that materials have come that he in connivance with

Director of the said NGO and others has misappropriated the Government money, which was meant for construction of toilet.

Having heard both sides, considering the facts and circumstances of the case, nature of allegation, I am not inclined to grant the privilege of anticipatory bail to the petitioner, this application is accordingly dismissed.

The petitioner, if so desire, may surrender before the court below and pray for regular bail, which will be considered by the court below on the merit of the case.

**(Vinod Kumar Sinha, J)**

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