

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24003 of 2018

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

Biteshwar Prasad Singh Son of Late Ram Nagina Singh R/o Molanipur, P.S.
Maner, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Department of Vigilance, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Senior Advocate Mr. Ghanshyam Tiwary, Advocate
For the State	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 31-07-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Gandhi Maidan P.S. Case No.515 of 2017, giving rise to Special Case No.349 of 2017, registered under Sections 467, 468, 471, 409, 420 and 120(B)/34 of the Indian Penal Code as well as under Sections 3 (i) (c) (d) read with 13(ii) of the Prevention of Corruption Act.

The accusation against the petitioner is that being Accountant of P.H.E.D. In connivance with the another co-accused, Vinay Kumar Sinha, Member Secretary, D.W.S.C.-cum-Superintending Engineer of Bihar Rajya Jal Parishad, Ganga Pariyojna in connivance with favourite NGOs.



transferred in total Rs.12 crores in their accounts meant for disbursing the amount to each beneficiaries for construction of toilets under Swachchh Bharat Mission Abhiyan and Lohiya Swachchhata Yojna.

Learned counsel appearing on behalf of the petitioner submits that the petitioner being Accountant of the department only followed the direction of the superior, the Superintending Engineer, namely, Vinay Kumar Sinha, moreover in any case, it is only irregularity in transmitting the money to the NGOs., now the investigation has been completed and accordingly charge-sheet submitted, therefore, there would be no purpose in detaining the petitioner behind the bar.

Whereas the learned counsel appearing on behalf of the State submits that the petitioner and Vinay Kumar Sinha are the principal accused of the scams and they being government officials transmitted the money to the tune of Rs.12 crores and odd amount to the favourite NGOs. for which they were not entitled and siphoned off the money, which was to be received by individual beneficiary, making the scheme failure and also submits that the cheques by which the money was transferred also bears signature of the petitioner along with Vinay Kumar Sinha and there is no direction by any authority to transmit the



amount to the respective NGOs., who were not indulged in construction of toilets.

Having considered the aforesaid facts and circumstances and the petitioner being the custodian of the government money in connivance with other accused misappropriated more than twelve crores, so considering the enormity of the scam, the nature of offence, the Court is not persuaded to grant bail to the petitioner, so prayer of bail of the petitioner stands rejected.

Since the charge-sheet has been submitted, so the trial court is directed to expedite the trial and preferably conclude the same within 1½ years.

If the trial is not concluded within the stipulated period, the petitioner, if so advised, may renew his prayer of bail.

(Arun Kumar, J)

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