

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20494 of 2018

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

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Vijay Kumar, Son of Late Bhim Singh, R/o Narial Ghat, P.S.- Danapur,
District- Patna.

.... Petitioner

Versus

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

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-05-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with Special Case No. 349 of 2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017 registered for the offences punishable under Sections 467, 468, 471, 409, 420, 120B/34 of the Indian Penal Code and 3(i)(c) (d) R/w 13(ii) of P.C.Act.

This case relates to defalcation of amount under Swaksh Bharat Mission Abhiyan and as per allegation between 1.5.2016 to 23.6.2016 Rupees twenty crore and odd has been withdrawn and it is alleged that Rs.25 lakhs was transferred to the account of N.G.O., namely, Ram Krishna Yuva Seva Samiti of which petitioner is Secretary and, as such, he has misappropriate the amount.

Submission of learned counsel for the petitioner is that he is not named in the FIR but later on his name transpires in



confessional statement of co-accused Biteshwar Prasad Singh in which he has disclosed that the said amount was transferred to the account of N.G.O. of the petitioner, as such, he has no concern with the construction of Souchalaya and hence allegation is false and concocted. Further submission is that petitioner is ready to return the whole amount subject to the result of the case.

Heard learned APP and learned counsel for the Vigilance also. They have opposed the prayer for anticipatory bail stating that paragraphs 13 and 47 of the case diary clearly show that rupees twenty five lakhs has been transferred to the account of N.G.O. of the petitioner and petitioner has himself withdrawn the amount and misappropriate the same.

Having heard both sides and in the facts and circumstances, this is not a fit case for grant of anticipatory bail, rather petitioner to surrender and make prayer for regular bail, which shall be considered on the basis of materials available on record, without being prejudiced by this order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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