

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60204 of 2018

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

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Sanjay Kumar S/o Late Kamta Das, R/o Vill.- Jalgovind Achuara , P.S.- Barh,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Department of Vigilance through the Superintendent of Police, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate.

Mr. Prakash Chandra Jha, Advocate.

For the Opposite Party/s : Mr. Ajay Mishra, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 05-11-2018 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in Special Case No. 349
of 2017 arising out of Gandhi Maidan P.S. Case No. 515 of
2017 registered under Sections 467, 468, 471, 409, 420 and
120(B)/34 of the Indian Penal Code and Section 13(i)(c)(d) read
with Section 13(2) of the Prevention of Corruption Act.

Huge amount of government coffer to the tune of
Rs. 14 crores and odd under the scheme of Lohia Swakchhata
Yojana is said to have been defalcated by Vinay Kumar Sinha



who happens to be Executive Engineer and Biteshwar Prasad Singh who happens to be account clerk of PHD Department and other accused persons by transferring the money to the account of their favourite N.G.Os.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. He has no concern with the aforesaid occurrence. He happens to be Block Motivating Coordinator and he has no concern either with the aforesaid scheme or with the money at all. He has neither taken any money nor any money has been deposited in his account nor has any concern regarding preparation of list of the beneficiaries. Barring the confessional statement of Biteshwar Prasad Singh who has confessed to have accorded Rs. 38 lacs to the petitioner which has no evidentiary value in the eye of law, there is nothing in the record indicating the complicity of the petitioner in the occurrence. It is further submitted that similarly situated co-accused namely Abhay Chandra Bharti and Dinesh Kumar who were also the Block Motivating Coordinator in their respective Blocks and who are also said to have been accorded money by Biteshwar Prasad Singh as per his confessional statement have been enlarged on bail by different co-ordinate Benches of this Court. Likewise other co-accused namely Priti



Bharti, Kanhaiya Kumar and Rajesh Kumar have been enlarged on bail by different co-ordinate Benches of this Court. Petitioner has been languishing in custody since 22.11.2017.

On the other hand, learned APP for the State opposing the prayer for bail of the petitioner submitted that the petitioner happens to be Block Motivating Coordinator and have made irregularity in preparing the list of the beneficiaries. As per the confessional statement of Biteshwar Prasad Singh, Rs. 38 lacs have been accorded to the petitioner as his commission. Co-accused Suman Singh in her confessional statement has also named the petitioner in the occurrence. Though there is an audio clip of the conversation made between Suman Singh, Vinay Kumar Sinha and the petitioner about assigning the work to the petitioner by Vinay Kumar Sinha through Suman Singh, but respond of the petitioner to the aforesaid conversation is not clear. In the aforesaid conversation there is nothing about taking or giving any money to the petitioner. It is conceded by the learned APP for the State that similarly situated co-accused namely Abhay Chandra Bharti and Dinesh Kumar have been enlarged on bail by different co-ordinate Benches of this Court.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing



bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance 1st, Patna in connection with Special Case No. 349 of 2017 arising out of Gandhi Maidan P.S. Case No. 515 of 2017.

(Prakash Chandra Jaiswal, J)

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