

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33573 of 2017

Arising Out of PS.Case No. -127 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Suresh Paswan, son of late Shyamdev Paswan, resident of Officers Flat,
Block-A, Plot No.-210, Bailey Road, P.S.- S. K. Puri District-Patna,
Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Cabinet Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, LO. I/c, Vigilance

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 03-01-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Patna Vigilance**

Case No.127 of 2016 instituted for the offence under Section(s)

406, 409, 420, 467, 468, 471, 477-A,120-B Indian Penal Code

and Section 13(2) & 13(1) of the Prevention of Corruption Act.

Counsel for the petitioner has submitted that entire disbursement of the amount was made in the light of the scheme propounded by the Govt. of India, Ministry of Tribal Affairs, New Delhi, which is still in vogue and continuing. The petitioner being Special Secretary to the Govt. of Bihar, SC & ST Welfare Department, Bihar, Patna, had released fund for the fees and maintenance allowance under the Post Matric Scholarship



Scheme for the year 2013-14 to the Colleges, namely, Guntur Engineering College, Yanamadala, Guntur, Andhra Pradesh and Gonna Institute of Information Technology & Sciences, Vishakhapatnam, Andhra Pradesh. One of the letter by which money has been sanctioned by this petitioner has been annexed as Annexure-5, which shows that the petitioner has sanctioned the money for fees and maintenance allowance under the Post Matric Scholarship Scheme for the year 2013-14 with conditions as laid down in the aforesaid letter on the basis of the information submitted by the respective institutes.

Counsel for the petitioner has drawn attention of the Court towards the entire scheme of Post Matric Scholarships to the students belonging to scheduled tribes for studies in India, which has been annexed as Annexure-2 series, wherein, it is clearly mentioned at Item No. XIX that financial assistance given under the Scheme shall not be utilized for any other purpose. If the college concerned fails to utilize the grants for the purpose for which it is given, the amount shall be refunded to the Central Government. The State Government/UT Administration should furnish statement of Expenditure and Utilization Certificates. As such, entire responsibility was of the Institutes for getting the amount disbursed amongst the students and if the student has



already left the institute then it was duty of the institute to refund the amount to the Central Government as per the scheme. It is further submitted that petitioner being the Special Secretary will fully co-operate in the investigation.

It has further been submitted that co-accused have been granted anticipatory bail by co-ordinate Benches of this Court by order dated 06.07.2017 passed in Cr. Misc. No.23182 of 2017 and order dated 22.09.2017 passed in Cr. Misc. No.45079 of 2017.

Counsel for the Vigilance has opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Patna Vigilance Case No.127 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Court, Vigilance-1, Patna**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall



cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

JA/-

(Sanjay Priya, J)

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