

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17156 of 2018

Arising Out of PS. Case No.-81 Year-2017 Thana- VIGILANCE District- Patna

S.M. Raju Son of Sri Munilakkappa, Resident of Village- Mallur, P.S. Sidlaghatta, District- Chikkaballapur, State- Karnataka, Local Address at B-3\68, Bailey Road, Patna.

... .. Petitioner/s

Versus

The State of Bihar Through Cabinet Vigilance Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashish Giri

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.Vigi.)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 01-05-2018 Heard learned counsel for the petitioner and learned APP
for the State as well as counsel for the Vigilance.

Petitioner apprehends his arrest in Patna Vigilance case no. 81/2017 instituted for the offence under Section(s) 406, 409, 420, 467, 468, 471, 477(A) and 120B of the Indian Penal Code and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

The case has been instituted on the basis of the enquiry report of the Enquiry officer, namely Sri Arun Kumar, Dy. S.P. Vigilance Investigation Bureau, Patna. It has been alleged that he conducted inquiry into the large scale corruption in the scheme of Bihar Mahadalit Vikash Mission in the light of the letter no. 9/16-724/Anu dated 3.3.2016 issued by the Vigilance



Department, Patna and other letter of the department as mentioned in the written report. It is stated that on the recommendation of Commission for the social, educational and economic development of Scheduled Caste and Scheduled Tribe the Bihar Mahadalit Development Mission was established under the SC/ST Welfare Department and several schemes were launched and being run like Vikash Mitra, Samudaik Bhavan Sah Work Shed, Help call Center, Special schools and Hostels, Dashrath Manjhi Kaushal Vikash Yojna, Manual Scavenger, Chief Minister Radio Scheme and Chief Minister Mahadalit Poshak Scheme etc.. Under the Dashrath Manjhi Kaushal Vikash Scheme the boys and girls of the community have to be given free technical education so that they may get employment. These schemes were launched in the year 2007 but the technical training was introduced in the year 2010. It is alleged in the complaint petition that financial irregularities was committed in the name of training of students for Microsoft Office Trade. It is further alleged that on 29.3.2011 tender was published in the name of Expression of Interest (EOI) for imparting training of Microsoft Office Trade and for the said purpose a committee of different persons of mission was constituted as mentioned in the written report.



The ten companies submitted their proposal out of which eight agencies were declared fit for the said schemes as mentioned in the written report. After evaluation of the proposals of the aforesaid eight companies, the proposal of Sri Ram New Horizon was found to be satisfactory. The agreement was signed on 23.9.2011 with the aforesaid company and as per the agreement 3445 students were to be given training at the rate of Rs. 4081/- per candidate and 70% of the said money was to be paid only after training to the trainees, making available the study materials and completion of the training examination and certification. It is alleged that whether company gave training to 3445 students was not verified and advance payment of Rs. 98,41,322/- was made at the rate of Rs. 4081/- in place of Rs.2081/-. It is alleged that Sri Ram New Horizon got payment of Rs. 1,16,74,072/- and till financial year 2015-16, it had imparted training to 9573 trainees. It is also mentioned in the enquiry report that Smt. Devjani Kar had expressed her opinion dated 13.10.2011 and recommended IIIM Limited as reseller of Microsoft and in course of inquiry it came to light that husband of Smt. Devjani Kar, namely Jaideep Kar had close relation with IIIM Ltd. and he had worked for IIIM Ltd. from 11.12.2013 to 15.4.2015 as head of strategic project. The IIIM was



awarded the work of examination and certification at the rate of Rs. 2000/- per trainee despite this fact that earlier training, supply of study materials, examination and certification, all works were allotted to Sri Ram New Horizon. In course of inquiry, it further revealed that for the financial years 2010-11 and 2011-12 Rs. 62,40, 200/- was paid to the IIIM Ltd.

In course of enquiry, it came to light that in the audit report till March, 2013 A.G.(Accounts) Bihar has raised serious objection for the selection of payment to the IIIM Ltd. and payment of Rs. 62.40 lacs was made without any basis. The IIIM Ltd. had to conduct examination till 22.11.2012 but no examination or certification was conducted till 29.4.2013. It is further revealed that during financial year 2013-14, 2014-15 and 2015-16 IIIM (Indus Integrated Information Management) Ltd. was paid Rs. 2.68 crores and for the same period Sri Ram New Horizon has got payment of Rs. 1.16 crore flouting the financial rules without proper verification which showed the deep rooted conspiracy of the then Chief Executive officer Sri S..M.Raju (petitioner) and other accused persons as mentioned in the written report. It is alleged that S.M.Raju, Chief Executive Officer, has raised objection for payment of Rs. 2,0000000/- (Two crore) to the IIIM Ltd. and recommended



to realize the money from other schemes being run by the IIIM Ltd. and Shri Ram New Horizon should be paid the amount after deducting the cost of certification. It is alleged that this petitioner being the Chief Executive Officer of the aforesaid Mission from 20.2.13 to 21.1.2014 and from 22.11.2014 to 23.2.2016 made payment of Rs. 1,81,04,096/- to Sri Ram New Horizon and Rs. 43,19,302 in favour of IIIM Ltd. total amount of Rs. 2,24,23,398 causing loss to State. This petitioner had earlier commented to realize the amount from both the agencies and, later on, ordered for the full payment to both the agencies. It was further found during investigation that there was an existing on-line system in B.M.V.M but this petitioner without proper verification created an opportunity for establishing a PMU (Project Management Unit) without proper analysis and made one of the condition that only retired IAS officers could be appointed as the Director of the unit and Mr. Ramashish Paswan, who had retired from the post of Director of the aforesaid unit on 31.5.2015, was appointed as Director of the PMU (Project Management Unit) on monthly salary of Rs. 1, 60,000/-.

Learned counsel for the vigilance has submitted that there are serious allegation against this petitioner in the written report



of committing irregularities and misappropriating the government money in connivance with other accused persons which also get support during investigation as mentioned in detail in the case diary. Learned counsel for the vigilance further submitted that prayer for anticipatory bail of one of the co accused , namely Karrah Parshu Ramaiah @ K.P. Ramaiya , retired IAS who was also Chief Executive Officer of the Bihar Mahadalit Vikash Mission at some point of time has been rejected by a co-ordinate bench of this Court vide order dated 23.3. 2018 in Cr. Misc. no. 4117 of 2018.

This Court, after looking into the allegation made in the written report in detail, finds that there is serious allegation against this petitioner of committing irregularities and misappropriating the amount which was allotted to be distributed for technical and computer education of students of SC/ ST communities. It further appears from the allegation that this petitioner in connivance with other accused persons illegally made payment to two companies, namely, Sri Ram Horizon and IIIM Limited.

It is further alleged that the petitioner was summoned to appear in vigilance Bureau during investigation but he did not appear. The petitioner, during his tenure, has made payment of



Rs. 1,81,04,096 to Sri Ram New Horizon for Microsoft Trade and made payment of Rs. 43,19,302 for the same work to IIIM Ltd. and, in this manner, he made illegal payment of Rs. 2,24,23,398/-.

Therefore , this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

