

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16338 of 2018

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

Raghvendra Kumar, S/o Sri Upendra Ram, resident of Village- Barauni-3,
P.S.- Teghara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar, Through Principal Secretary, Department of Vigilance,
Government of Bihar, Suchna Bhawan, Near New Secretariat, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv.
For the Opposite Party/s	:	Mr. Ajay Mishra, APP
For the vigilance	:	Mr. Kedar Singh, AC to Law officer

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 09-07-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the vigilance.

Petitioner apprehends his arrest in Gandhi Maidan P.S.
Case No. 515 of 2017 giving rise to Special Case No. 349 of
2017 instituted for the offence under Section(s) 467, 468, 471,
409 and 120B/34 of the Indian Penal Code and Section 13(i)(c)
(d) r/w Section 13 (2) of the Prevention of Corruption Act 1988.

It is alleged in the written report that total sum of Rs.
14,36,91,509 have been spent within a short span of time
between 01.05.2016 to 23.06.2016 of Swachhcha Bharat
Mission and Lohia Swachhata Yojana run by the Central
Government. This fact was revealed during the inspection of the
District Magistrate on 29.08.2017. It was found that between the
period from 01.05.2016 to 23.05.2016 such huge amount was



paid to different NGO, instead of distributing the money to real beneficiaries, when the scheme was under Public Health Engineering Department, Patna..

Learned counsel for the petitioner submits that petitioner is not named in the written report. His name has transpired during investigation. The main allegation is against the Executive Engineer PHED namely Vinay Kumar Sinha the then Executive Engineer-cum-Member Secretary, DWSC and Biteshwar Prasad Singh the then Accountant.

Learned counsels for the State and Vigilance have submitted that the entire amount has been illegally transferred by the accused persons in the name of different NGO's in stead of distributing the same among the real beneficiaries. It has further been submitted that main accused Vinay Kumar Sinha during investigation disclosed the role of the petitioner that he had received the amount of commission and had also participated in the aforesaid misappropriation of fund. The learned Special Judge Vigilance, Patna has mentioned in the impugned order that petitioner had illegally received Rs. 20,00,000/- meant for the scheme of Bihar Divas. It is further submitted that prayer of the anticipatory bail of other similarly situated accused persons have already been rejected by



coordinate bench of this Court vide orders dated 04.05.2018, 08.05.2018 and 02.05.2018 passed in Cr. Misc. Nos. 20494 of 2018, 26979 of 2018 and 18063 of 2018 respectively. It is further submitted that witnesses in paragraph nos. 83 and 196 of the case diary have supported the allegation against the petitioner.

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 off on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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