

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2519 of 2018

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

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1. SHIV SHANKAR RAI, S/o Sri Baijnath Rai, Chairman, Shiv Seva Sansthan, Maner.
 2. Sri Bali Charan Rai, S/o Pashuram Rai, Secretary, Shiv Seva Sansthan, Maner.
 3. Mahesh Prasad, S/o Sabal Rai, Treasurer, Shiv Seva Sansthan, Maner, All resident of Bhudhar Tola, Vyapur, P.S.- Maner, Distt.- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

10 02-05-2018

Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Gandhi Maidan P.S. Case No. 515/2017 instituted for the offences under Sections 467, 468, 471, 409, 420, 120B, 34 of the Indian Penal Code, Sections 13(1)(c) and (d) read with Section 13(2) of the P.C. Act.

It is alleged in the written report that the government schemes, namely, Swachhcha Bharat Mission (Rural) and Lohiya Swachhcha Yojna are being run by the Central Government and the State Government in all district of State of Bihar through Public Health Engineering Department, Patna prior to 2016. As per Notification No. 741 dated 01.06.2016 of the Public Health



Engineering Department, Patna, the aforesaid schemes were transferred to the District Rural Development Agency, Patna. It is alleged that during financial audit of the aforesaid department by the District Magistrate on 29.08.2017, it was found that between the period from 01.05.2016 to 23.06.2016 (before transfer of schemes to District Rural Development Agency, Patna) a sum of Rs. 14,36,91,509/- was spent by the aforesaid engineering department over the schemes. It is further alleged that expenditure of such a huge amount over the schemes in such a short span of time raised suspicion and accordingly the District Magistrate, Patna ordered for a joint inquiry to be conducted by the Director, D.R.D.A., Patna and Deputy Development Commissioner, Patna and as per the joint enquiry report it revealed that under a deep rooted criminal conspiracy huge amount has been illegally withdrawn.

It was found during course of enquiry that an amount of Rs. 12,18,51,842/- which was to be transferred to the account of the beneficiaries of the toilet construction has been illegally under a pre-planned manner transferred to the account of some N.G.Os. by the authorities of the P.H.E.D. as named in the written report.

It is alleged in the written report that an amount of Rs. 1,52,92,271/- was transferred to the account of N.G.O., namely, Satyam Shivam Kala Kendra, an amount of Rs. 6,71,000/- was transferred to the account of this N.G.O., namely, Shiv Seva



Sansthan run by these petitioners and subsequently, also an amount of Rs. 3,60,000/- was transferred to the account of Rita Kumari, w/o Vinod Singh of Rajauli Nawada and Rs. 2,97,000/- was transferred to the account of Priti Bharti of Darbhanga.

Learned counsel for the State, after looking into various paragraphs of the case diary, has submitted that huge amount was allotted for the beneficiaries which was to be deposited directly in the account of the beneficiaries and not to the N.G.Os., but illegally the aforesaid amount was transferred in the account of some N.G.Os. including the N.G.O. of these petitioners and the petitioners illegally withdrawn the aforesaid amount.

Considering the seriousness of allegation, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, their prayer for bail is rejected.

(Sanjay Priya, J.)

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