

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.63217 of 2017**

Arising Out of PS.Case No. -533 Year- 2011 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Saroj Kumar, Son of Sri Ram Jee Singh, Resident of House No. 68, Chhawani Mohalla, Ward No. 9, P.S.- Bhabhua, District- Kaimur (Bhabhua).

.... .... Petitioner/s

Versus

The State of Bihar through Vigilance.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : M/s Ajay Thakur, Nilesh Kumar and Sheshank Shekhar, Advs.

For the Opposite Party/s : Mr. Rama Kant Sharma, Sr. Adv.(L.O, I/c Vig.)  
Mr. Kedar Singh, AC to  
Mr. Rama Kant Sharma, Sr. Adv.(L.O, I/c Vig.)

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      15-01-2018                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Bhabhua P.S. Case No. 533 of 2011 registered for offences punishable under sections 420, 409, 467, 468, 471, 34 and 120B of the Indian Penal Code read with section 13 (1) (d) of Prevention of Corruption Act.

The prosecution case got initiated on the written report of Dr.Ras Bihari Singh, Civil Surgeon, Kaimur at Bhabhua, wherein it is alleged that the then Civil Surgeon, Dr. Uchit Lal Mandal committed serious financial irregularities to the tune of Rs.5.5 crores which has been detected during audit, hence, in view



of the letter dated 22.07.2011 the Secretary, Health-cum-Executive Director, State Health Society as well as audit report of the State Health Society, the FIR was lodged. It is alleged that the then Civil Surgeon, Dr. Uchit Lal Mandal made payments to the tune of Rs.5.5 crores to the Non Government Organizations (NGOs), Private Nursing Homes, Private Hospital and private doctors under the Family Planning (sterilization) Scheme and the Mother and Child Security Scheme without obtaining the prior permission from the Chairman-cum- District Magistrate, Kaimur at Bhabua.

It has been submitted that the then Civil Surgeon Dr.Uchit Lal Mandal, who is named in FIR, having allegation of committing financial irregularities to the tune of crore of rupees, has been allowed anticipatory bail by one of coordinate Bench of this Court in Cr. Misc. No.27053 of 2012 vide order dated 12.09.2012. Another co-accused, Dr. Idrish Jauher has also been allowed anticipatory bail in Cr. Misc. No.55553 of 2016 on 08.02.2017. In course of investigation, the name of other accused had surfaced, out of them, co-accused Dr.Pramod Kumar Singh @ Dr. Pramod Kumar has also been allowed anticipatory bail by one of coordinate Bench of this Court in Cr. Misc. No. 28643 of 2017 dated 30.06.3017. The other co-accused persons namely Akhtar



Ansari, Barun Kumar Singh @ Varun Kumar Singh, Munna Prasad Gupta, Md. Ashlam, Dr. Dineshwar Singh @ Mantu Singh @ Dr. Dineshwar Kumar Singh, Sanjay Kumar, Dr. Arjun Kumar Singh @ Dr. Arjun Kumar have also been allowed regular/anticipatory bail in Cr.Misc. Nos. 60747, 33378, 51566, 51591, 29929, 30197 and 31028 of 2017 respectively.

Allegation against this petitioner is that he along with Narsing Prasad Singh were account holder and in the said account, some money was deposited. One of the account holder Narsing Prasad Singh has been allowed bail by the learned Court below. The allegation of misappropriation of amount is omnibus against large number of people including this petitioner. The petitioner is in custody since 08.11.2017 having clean antecedent. His case stands on similar footing.

Considering the facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna in Special Case No. 7-A/2012 arising out of Bhabhua P.S. Case No.533 of 2011, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable



property within the jurisdiction of the concerned Court.

- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.
- (iv) If the petitioner is found in similar type of offence in future, the prosecution will have liberty to move for cancellation of his bail.

**(Sanjay Kumar, J)**

Mahesh/-

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