

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32245 of 2017

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

Sanjay Kashyap, son of Hira Sah, resident of Mohalla Ward No. 3 Bhabua,
P.S. Bhabua, Distt. Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar through the Department of Vigilance

.... Opposite Party/s

with

Criminal Miscellaneous No.56013 of 2017

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

Ram Sewak Prasad Chourasia @ Ram Sewak Chourasia, son of Jagannath
Chourasia, resident of village Jagariyan, P.S. Chainpur, Distt. Kaimur at
Bhabua.

.... Petitioner/s

Versus

The State of Bihar through the Director General, Vigilance Investigation
Bureau, Bihar Patna

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32245 of 2017)

For the Petitioner/s : Mr. Parwej Khan, Advocate.

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

(In Cr.Misc. No.56013 of 2017)

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

11 15-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Special Case**
No. 7 of 2012 arising out of Bhabua P.S. Case No. 533 of 2011
instituted for the offence under Sections 409, 420, 467, 468, 471,
120(B), 34 of the Indian Penal Code and Sections 13 (1)(D) of
Prevention of Corruption Act, 1988.

It is alleged in the written report filed by the informant Dr.



Ras Bihari Singh, Civil Surgeon, Kaimur, Bhabua that co-accused Dr. Uchit Lal Mandal being a Civil Surgeon, Kaimur (Bhabua)-cum-Regional Maleriya Officer, Patna, committed financial irregularities of huge amount to the tune of crores of rupees. Several irregularities were found during course of audit. It was found that Uchit Lal Mandal has made payment to the tune of Rs.5.50 crores to the N.G.Os., Private Nursing Homes, Private Hospital and Private Doctors under the family planning (Sterilization) Scheme and the Mother and Child Security Scheme without obtaining prior permission from the District Magistrate-cum-Chairman of the District Health Society, Bhabua.

The learned counsel for vigilance has submitted that allegation against Sanjay Kashyap, petitioner of Cr. Misc. 32245 of 2017 is that he along with Sunil Upadhyay was running N.G.O. Gram Vikash and Swasth Sangathan and this N.G.O. received total. Rs.15,10,500/- for sterilization operation as well as for safe delivery, but there was no order for payment to this N.G.O. for safe delivery. It is further alleged that this N.G.O. got all the operations done at Prakash Hospital and Mahila Hospital, Durgawati and Branch at Hata. It is further alleged that the accused persons have violated the direction of the State Health Society as contained in letter No. 4437 dated 26.5.2007 and he has also not paid Rs. 150/- per operation to the motivators.

The allegation against petitioner of Cr. Misc. 56013 of 2017 that he was joint account holder of Account No.



462210210000028 of the Bank of India, Bhabhua, with Harishankar Pandey in which account Rs. 22,05,000/- was paid to the Krishi and Gram Udyog Seva Samiti under Sterilization scheme and Rs. 6,76,500/- under safe delivery scheme run by co-accused as well as the Secretary of the aforesaid organization namely Ramakant Upadhyay. The further allegation against the aforesaid NGO is that this NGO did not follow the directions as given in the letter No. 4437 dated 26.5.2017 nor Rs. 150/- was paid to the motivators per operation. The further allegation is that the aforesaid NGO was also not verified by the quality assurance Committee. Further referring to paragraphs 307, 435, 654 and 571 of the case diary, learned A.P.P. has submitted that there is sufficient material in the case diary to show active involvement of the petitioner in this case.

Learned counsel for the petitioners has submitted that co-accused Uchit Lal Mandal has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 12.09.2012 passed in Cr. Misc. 27053 of 2012.

Learned A.P.P. has submitted that anticipatory bail petition of several petitioners have already been rejected by this Court.

Keeping in view the specific allegation against the petitioners as stated above, this Court is not inclined to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners stands rejected.



Petitioners may surrender before the court below and
make prayer for regular bail.

S.Ali/-

(Sanjay Priya, J)

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