

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40628 of 2018

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

1. Arun Kumar, S/o Sri Lal Babu Singh, R/o House No.20, Road No.1, New Patliputra Colony, P.S.- Patliputra, District- Patna.
2. Vicky Sharma, aged about 37 Years, S/o Late Purshottam Lal Sharma, R/o Purnu Niwas, Gandhi Nagar, Gabhtal, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

State of Bihar, through Vigilance.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Varma, Advocate
For the Opposite Party/s : Mr. Ramakant Sharmal. O. I/C. Vigilance.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-08-2019 This is an application for grant of anticipatory bail in connection with Special Case No. 349 of 2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017, for the offences under Sections 467, 468, 471, 409, 420, 120B, 34 of IPC, read with Sections 13(1)(c)(d) & 13(2) of P.C. Act, 1988.

Allegation as per the F.I.R. lodged by one Nityanand Prasad, Executive Engineer, PHED that Rs.14,36,91,509/- under the Swaksh Bharat Mission (Rural) and Lohia Swakshta Yojna has been transferred to the account of N.G.Os. out of which, N.G.O. for the construction of Toilet by the Government officials and during enquiry, it transpired that the aforesaid amount were transferred in between the period of 01.05.2016 to 23.06.2016 without following the procedure. It further appears



that some the amounts has also been transferred to the N.G.O. of the petitioners, of which, petitioner no.1 is of the Secretary and petitioner no.2 is the President.

It further appears that this application was dismissed as default earlier for non-prosecution, vide order dated 13.07.2018 but the case has been restored only against the petitioner no.2, vide order dated 17.07.2019.

Submission of the learned counsel for the petitioners is that petitioner no.1 has already surrendered and granted regular bail by a Co-ordinate Bench of this Court, vide order dated 26.11.2018 passed in Criminal Misc. No. 66465 of 2018 on condition of payment of Rs.5,00,000/- at once and the rest amount be deposited in equal installments of Rs.50,000/- each on monthly basis for a period of six months.

In view of the above, learned counsel for the petitioner no.2 seeks permission to withdraw this application to enable him to move for regular bail on the above ground.

Heard learned counsel for the Vigilance also.

Having heard both sides, in view of the facts and circumstances, as stated above, this application stands dismissed as withdrawn with liberty to the petitioners to surrender before the learned court below and move for bail, which will be



considered by the learned court below on the basis of
submissions as made above, and if, possible to be disposed of
on the same day.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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