

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41393 of 2019

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

Diwakar Singh @ Deepak Raj @ Deepak Raj Singh Son of Bachchu Raj
Singh Resident of Village- Kilagarhpar East, P.S.- Deepnagar, District-
Nalanda ... Petitioner

Versus

The State Of Bihar Through Vigilance, Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Bindhyachal Singh, Advocate and
Mr. Satya Prakash, Advocate
For the Opposite Party : Mr.Anjani Kumar (L.O.Inc.Vigilance)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-10-2019 Heard learned counsel for the parties.

Petitioner seeks regular bail in a case registered for the offence under sections 420,120B/34 and other allied sections of the Indian Penal Code as well as under sections 13(1)(c)(d) read with section 13(2) of the PC Act on the allegation that he was actively involved with his wife in defalcation of scheme fund, meant for the purpose of construction of toilet, by running an NGO, namely, Aadi Shaskti Seva Sansthan and illegally got transferred Rs.10 lacs to his account.

Petitioner's prayer for bail was rejected by this Court vide order dated 7.5.2018, passed in Cr.Mis.No. 15231 of 2018.

Learned counsel for the petitioner submits that the allegation of defalcation is false and the petitioner is in custody since 22.11.2017.

Learned counsel representing the Vigilance Department opposes the prayer for bail and points out that the petitioner has confessed in paragraph 78 of the case diary that he was actively involved in the case and Rs.9,00000/- of Prkalp was also transferred to his accout.



In view of order of this Court dated 13.9.2019, report of the Special Judge, Vigilance, Patna dated 24.9.2019 is on record which reveals that, on account of delaying tactic adopted by several accused persons of this case by filing discharge petitions, even charges have not yet been framed against the accused persons in spite of taking all possible steps.

Keeping in view the nature of allegation, petitioner's prayer for bail is rejected.

Trial court is directed to ensure framing of the charges and to proceed with the trial and conclude the same expeditiously, and preferably within a period of six months from the date of receipt/production of a copy of this order.

Petitioner must co-operate with the trial.

(Prabhat Kumar Singh, J)

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