

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30099 of 2018

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

Shanti Devi, W/o Rameshwar Prasad, Residing at Near Amprapali Cinema Hall, P.S.- Danapur, Dist- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 66015 of 2018

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

Manoj Kumar, Son of Siyaram Sharma, Resident of Lakhipur, P.S.- Salimpur, District- Patna.

... .. Petitioner

Versus

1. State of Bihar
2. The State of Bihar through Vigilance, Bihar, Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30099 of 2018)

For the Petitioner/s : Mr. Hemant Kumar

For the State : Mr. Sri Ajay Mishra

(In CRIMINAL MISCELLANEOUS No. 66015 of 2018)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate,
Mr. Nilesh Kumar, Advocate,
Mr. Malay Kumar Chaudhary, Advocate,
Ms. Babita Kumari, Advocate

For the State : Mr. Sri Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

14 02-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seeks bail in connection with Special Case No. 349 of 2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017, registered under Sections 467, 468, 471, 409



420 and 120(B)/34 of the Indian Penal Code and Section 13(2) read with Section 13(2) of the Prevention of Corruption Act.

The accusation is that Lohiya Swachhata Yojana sponsored by the Government of India was started in the district of Patna before 2016 and the said scheme was running under the supervision of Public Health Engineering Department, East Patna, which was transferred through letter No. 275537, dated 17.06.2016 to Rural Department Agency, Patna. Till that date, Rs. 14,36,91,509/- was spent under the scheme due to that reasons, inquiry was done in the light of order of District Magistrate by Director Account, D.R.D.A., Patna and Deputy Development Commissioner, Patna. On inquiry, it was detected that under the scheme the money was not transferred directly to the beneficiaries, rather, the same was transferred to the several NGOs and money of the scheme was misappropriated.

Learned counsel appearing on behalf of the petitioner Shanti Devi in Criminal Miscellaneous No. 30099 of 2018 submits that, in fact, petitioner was Chairman of Shanti B.H. Training Centre and her son Vivek Kumar was the Secretary of the said NGO and he look after the affairs. Further submission is that petitioner had no knowledge about receiving of Rs. 65 Lakhs in the name of her NGO from the PHED



department. Further submission is that Vivek Kumar is in custody and this petitioner is in jail custody since 13.04.2018. The petitioner is aged about 70 years has no criminal antecedent. Learned counsel appearing on behalf of the petitioner Manoj Kumar in Criminal Miscellaneous No. 66015 of 2018 submits that, in fact, this petitioner was Secretary of Maa Sarveshwari Seva Sansthan, Bakhtiyarpur and Rs. 2,14,57,400/- was transferred regarding construction of the toilets and work of awareness and the toilets were also constructed by Maa Sarveshwari Seva Sansthan.

On the other hand, Sri Ajay Mishra, learned A.P.P. appearing for the State submits that it has come in paragraph Nos. 29, 30, 57, 64, 65, 69 and 178 of the case diary that Rs. 65 Lakhs was transferred to Shanti B.H. Training Centre of which Shanti Devi was Chairman and her son Vivek Kumar was Secretary, while money was to be transferred directly to the account of beneficiaries and the said amount was withdrawn by the joint signature of them. He further submits that petitioner Manoj Kumar in Criminal Miscellaneous No. 66015 of 2018 was the Secretary of Maa Sarveshwari Seva Sansthan, Bhakhtiyarpur and it has come in paragraph Nos. 4, 6, 8, 133, 152, 153, 194, 196 and 297 of the case diary Rs. 2,14,57,400/-



was transferred in his NGO, while the money was to be paid directly to the beneficiaries and the said amount was withdrawn by the petitioner Manoj Kumar and Pramila Singh. Further submission is that petitioner Manoj Kumar is in custody since 15.11.2017.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer of the petitioners, above named, is rejected.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

