

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72382 of 2018

Arising Out of PS. Case No.-207 Year-2018 Thana- KISHANGANJ District- Kishanganj

Md. Nabi Hasan Son of late Haji Md. Amiruddin Resident of Village-
Khajuraha, Police Station- Salkhua Bazar, District- Saharsa then Posted as
Assistant Engineer, Public Health Engineering Division, Kishanganj, District-
Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar Through The Department Of Vigilance Investigation
Bureau, Bihar, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73294 of 2018

Arising Out of PS. Case No.-207 Year-2018 Thana- KISHANGANJ District- Kishanganj

1. Binod Kumar Singh and Anr Son of Late Arjun Prasad Singh, Resident of
Naya Bazar, Police Station-Saharsa, District-Saharsa.
2. Rajeev Kumar, Son of Late Dwarika Sahu, Resident of Hanuman Nagar,
Bariyatu, Police Station-Sada Both are then Posted as Karyavahak Assistant,
Public Heath Engineering Division, Kishanganj, District-Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar Through The Department Of Vigilance Investigation
Bureau, Bihar, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73919 of 2018

Arising Out of PS. Case No.-207 Year-2018 Thana- KISHANGANJ District- Kishanganj

Abrarul Haque Son of Md. Ekramul Haque, resident of Village Kochgama,
Police Station- Birpur, District- Kishanganj then posted as Assistant Engineer,
Public Heath Engineering Division, Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar Through The Department Of Vigilance Investigation
Bureau, Bihar, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 377 of 2019



Arising Out of PS. Case No.-207 Year-2018 Thana- KISHANGANJ District- Kishanganj

Awadhesh Kumar Singh Son of Late Narad Prasad Singh, Resident of Village-
Ramnagar, Police Station- Maranga K. Hat, District- Purnea then posted as
Junior Engineer, Public Health Engineering Division, Kishanganj, District-
Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar Through The Department Of Vigilance Investigation
Bureau, Bihar, Patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72382 of 2018)

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Anjani Kumar L.O., I/C Vigil.

(In CRIMINAL MISCELLANEOUS No. 73294 of 2018)

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Anjani Kumar L.O ,I/C Vigil.

(In CRIMINAL MISCELLANEOUS No. 73919 of 2018)

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Anjani Kumar L.O.,Inc.,Vigilance

(In CRIMINAL MISCELLANEOUS No. 377 of 2019)

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Anjani Kumar L.O.,Inc.,Vigilance

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

10 04-09-2019 All the criminal miscellaneous applications involve
the same issue of misappropriation of funds under the
Swachchha Bharat Mission.

The Court granted interim protection to the petitioners
on 20.12.2018 and thereafter, the criminal case is pending
before the Special Judge Vigilance-II, Patna. The petitioners
have availed the benefit of privilege of anticipatory bail. Now
the investigation is complete. The vigilance has submitted
charge sheet. In view of the subsequent development, the Court



is of the view that the interim protection granted to these petitioners are no more relevant, the Court has to consider grant of anticipatory bail on its merit. The present case involves the different kind of scam in connection with Swachchha Bharat Mission. The fund allocated for avowed object of Swachchha Bharat Mission is the subject matter of investigation. Since, the investigation is complete, now it is time for conclusion of the trial. At this stage the Court has to consider whether, the petitioners deserve bail or not. During the period, the interim protection was granted, there is no allegation that the petitioners have misused the privilege of bail except that the Court has noticed their access to the case diary.

Under the aforesaid circumstance, the Court is inclined to grant bail to the petitioners in the event of their arrest or surrender within a period of six weeks from today. Let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One lacs) each with two sureties of the like amount each to the satisfaction of Court of learned Special Judge Vigilance-II, Patna in connection with Kishanganj P.S. Case No. 207 of 2018, subject to condition that all the sixteen accused persons shall deposit 50% of the amount involved in the alleged scam of Swachchha Bharat Mission by



way of Bank guarantee and on submission of the 50% of the Bank guarantee by all the sixteen accused persons, the Court below shall grant bail to the petitioners on regular basis.

In order to determine the amount involved in this case, the Court grants fifteen days time to the Vigilance to quantify the amount involved in the scam and based on such quantification by the Vigilance. All the accused persons shall proportionally deposit the 50% of the total amount i.e. 1/32 of the total amount involved in scam. The petitioner shall be under further obligations;

(a) that they have to deposit the passport, if any,

(b) that they are also required to extend full cooperation in the conclusion of the Trial expeditiously.

(c) The petitioners have to appear on the date fixed in the Trial and in the event of failure to attend the Court proceeding on two consecutive dates without any cogent reason, the Court below shall be at liberty to cancel their bail bonds.

(Anil Kumar Upadhyay, J)

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