

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72801 of 2018

Arising Out of PS. Case No.-131 Year-2016 Thana- VIGILANCE District- Patna

Arvind Giri @ Arvind Kumar Giri, Son of Late Raghunath Giri, Resident of
Mohalla-Anand Nagar, P.S.-Ash Nagar, District-Bhojpur.

... .. Petitioner.

Versus

The State Of Bihar through Vigilance Patna

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Ravi Ranjan, Advocate.
For the Vigilance Department, Patna:		Mr. Anjani Kumar, Senior Advocate.
		Mr. Sanjay Prasad, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

8 06-05-2019 Heard learned counsel for the petitioner and the
learned counsel appearing for the Vigilance Department, Patna.

The petitioner apprehends his arrest in connection
with Vigilance P.S. Case No.131 of 2016 registered under
Sections 467, 468, 469, 471, 420 and 120-B of the Indian Penal
Code besides Sections 13(2) read with Sections 13(1)(d) of the
Prevention of Corruption Act.

The accusation is that for the construction of the
additional class rooms in the schools under Serve Shiksha
Abhiyan in District-Bhojpur, Irshad Ansari, the District
Programme Officer, deposited two cheques, one of
Rs.70225020/- and another of Rs.29785500/- in the Punjab
National Bank, Ara Chowk Branch, but, thereafter, Irshad



Ansari, the District Programme Officer, gave oral direction to the Branch Manager of the Punjab National Bank, Ara Chowk Branch, that the transfer of the money from the account of Vidyalaya Shiksha Samiti has been stayed. After that, Irshad Ansari, the District Programme Officer, through different letters directed the Branch Manager of the Punjab National Bank, Ara Chowk Branch, to send the money to some schools, which were not included in the recommended list of the District Magistrate. When the Branch Manager of the Punjab National Bank raised questions regarding the transfer of the money before the Bihar Shiksha Pariyojna Parishad, then Irshad Ansari, the District Programme Officer, sent letter to the Branch Manager of the Punjab National Bank, Ara Chowk, to transfer Rs.8.84 crores in Madhya Bihar Gramin Bank, Anite Branch, but the payment of the said amount could not be made due to single signature on the cheque but Suresh Prasad, the then District Education Officer, Ara, supported the transfer of the money to Madhya Bihar Gramin Bank, Anite Branch. Thereafter, the amount of the cheque was transferred and the money was distributed to the several schools including the Primary School, Basauri, Bhojpur, in which the petitioner was the Incharge Headmaster. The petitioner gave Rs.2,70,000/- to the Maitriya Consultancy



Services Private Limited, which was being run by Sanjeev Kumar. Sanjeev Kumar played the role of broker in the misappropriation of the money.

Learned counsel appearing on behalf of the petitioner submits that, in fact, Rs.10,48,500/- was received by the petitioner for the construction of the additional class room in the school and, thereafter, on the direction of the District Programme Officer, Rs.2,70,000/- was handed over to Sanjeev Kumar, the proprietor of Maitriya Consultancy Services Private Limited and Rs.2,75,000/- to the other contractors through cheque. Since the petitioner was the Incharge Headmaster of the School, he could not raise question upon the pressure as given to him by the District Programme Officer to handover the money to Sanjeev Kumar and other contractors. Moreover, the petitioner has already deposited Rs.7,78,019/-/- through Demand Draft payable to the Bihar Education Project, Serve Shiksha Abhiyan, Bhojpur, on 07.09.2018, which is said to be misappropriated by the petitioner, (Annexure-4 to this application).

On the other hand, learned counsel appearing for the Vigilance Department opposed the prayer of the petitioner to grant him the privilege of pre-arrest bail but conceded the



misappropriated amount has already been paid by the petitioner by way of demand draft.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance-I, Patna, in connection with Vigilance Case No.131 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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