

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77159 of 2018

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

Uday Singh Son of Binod Kumar @ Binod Singh, Resident of Mohalla-
Hardia Sector A, Police Station- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Inspector General Vigilence Department, Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar
For the Opposite Party/s : Mr.Sri Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 01-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 467, 468, 471, 409, 420, 120B and 34 of the Indian Penal Code and 13(1(c)(d) read with 13(2) of the Prevention of Corruption Act.

The prosecution case in short is that the accused persons misappropriated huge sum of money meant for the schemes of the Central Government and State Government.

The earlier bail application of the petitioner was rejected vide Annexure-1 to the present application taking into account that out of Rs. 14,36,91,509/-, Rs. 10 lakhs and odd amount was transferred to the N.G.O. with the name of Aadi



Shakti Sewa Sansthan. The said money was transferred to the N.G.O. in question under the schemes Lohia Swachhta Yojna and Swachh Bharat Mission for construction of toilets in the rural areas.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.11.2017 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. The name of the petitioner has transpired as being treasurer of the said N.G.O. in question.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The said N.G.O. in question misappropriated the entire public money and for the said reason, the present case was instituted. Being treasurer of the NGO in question, the petitioner had issued cheques on behalf of the NGO.

A report was called for from the Court below regarding the stage of the case, which is as under:

“1. That presently Special Case No. 349/2017 is pending for hearing on discharge petitions filed by the accused persons of this case and learned Special P.P. has received the



case diary for hearing on his part on discharge petition.

2. That in this case altogether 97 witnesses are cited in the charge sheet in witnesses column. So it is expected that atleast two years time is required for conclusion of the case if prosecution will cooperate.”

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to dispose of the discharge petition pending on behalf of the accused persons at the earliest and proceed with the trial. The prosecution is directed to produce the prosecution witnesses on the dates fixed by the Court below so that the trial could be concluded at the earliest. It is expected that the accused persons shall cooperate during the trial.

(Sudhir Singh, J)

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