

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72207 of 2018

Arising Out of PS. Case No.-122 Year-2014 Thana- KARPI District- Jehanabad

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Kaushal Kumar Son of Sri Awadhesh Sharma Resident of Village-Bakhatar,
P.S.-Mehandia Karpi District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar Through S.p. Vigilance Investigation Bureau, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 15-01-2019 The petitioner seeks bail in anticipation of his arrest in connection with Special Case No. 75A of 2014, arising out of Karpi P.S. Case No. 122 of 2014 dated 20.06.2014 instituted for the offences under Sections 420, 406, 409, 34 of the Indian Penal Code.

A F.I.R was registered primarily with respect to the irregularities having been committed in the construction of public toilets by an NGO run under the name and style of *Magadh Samaj Kalyan Kendra* of which one Brajesh Kumar was the President. During the course of investigation of the aforesaid F.I.R, it came to light that the petitioner, who is the Secretary of *Alaukik Swayam Sevi Sansthan* which was entrusted with the task of constructing 27 toilets at the cost



of Rs. 2100/- each was paid an amount of Rs. 61,880/- but the corresponding number of toilets were not constructed.

The learned counsel for the petitioner has submitted that the F.I.R in reference is with respect to construction of toilets in the year 2012. The NGO of the petitioner was given the responsibility of construction of toilets in the year 2011. It has further been submitted on behalf of the petitioner that the beneficiaries have made categorical statements during the course of investigation that toilets were made but later, but for the pan (pot) everything got destroyed with the passage of time.

The learned counsel appearing for the Vigilance Department has submitted that out of 27 toilets, investigation is complete with respect to around 11 such toilets which were found to be in existence. The investigation with respect to 16 such toilets is still pending consideration.

Regard being had to the aforesaid facts as also taking into account that the NGO of the petitioner had constructed the toilets though some of which were not found in existence at the time of investigation and that the



beneficiaries have also supported the factum of construction of toilets, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna in connection with Special Case No. 75A of 2014, arising out of Karpi P.S. Case No. 122 of 2014, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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