

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49062 of 2018**

Arising Out of PS. Case No.-81 Year-2017 Thana- VIGILANCE District- Patna

Jai Deep Kar, Son of Late Sameer Baran Kar, resident of A 82, Amrawati Apartment, Police Station- Kotwali, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar,
2. The Superintendent of Police, Vigilance Government of Bihar, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate
For the Vigilance	:	Mr. Anjani Kumar, Sr. Advocate, Mr. Shailendra Kumar, Advocate, Mr. Sanjay Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

16 02-05-2019 Heard leaned counsel for the petitioner and the leaned counsel appearing on behalf of the Vigilance Department.

The petitioner apprehends his arrest in connection with Special Case No. 343 of 2017, arising out of Vigilance P.S. Case No. 81 of 2017, registered under Sections 406, 420, 409, 471, 477(A), 467, 468 and 120 of the Indian Penal Code and Section 13(i)(d), read with Section 13(2) of the Prevention of Corruption Act, pending in the court of the Special Judge, Vigilance 1st Patna.

The accusation is that in course of inquiry in relation to large scale of corruption in Bihar Mahadalit Vikash Mission in the light of Letter No. 9/16-724/Anu, dated 03.03.2016 issued by the Vigilance Department, Patna and



other letters of the department inquiry was made by the Deputy Superintendent Police, Vigilance Investigation Bureau, Patna and it was detected that on the recommendation of commission for the social, educational and economic development of Scheduled Caste and Scheduled Tribe, the Bihar Mahadalit Development Mission was established under SC/ST Welfare Department and several schemes were launched. Under the Dashrath Manjhi Kaushal Vikash Scheme, while 10 agencies sent the proposal for Microsoft Office training. Out of 10 agency, including IIIM Limited were not found up to mark and finally Sri Ram New Horizon was selected for training, examination and certification by the Committee. Thereafter, file was put up before Smt. Devjani Kar, State Project Officer , who was one of the member of the committee, recommended for approval with note to make request to Microsoft of which IIIM Limited is authorized representative for examination and certification and later on without proper training and certification, the bills of Sri Ram New Horizon and IIIM Ltd. were paid. As such money of Exchequer is misappropriated.

Learned counsel appearing on behalf of the petitioner submits that, in fact, petitioner is the husband of Smt. Devjani Kar, State Project Officer due to that reason he has been implicated in this case as he was posted in IIIM Limited



as head strategic project at Patliputra office on 11.12.2013 to 15.04.2015, which is clear from the F.I.R. The petitioner was not posted in the IIIM Ltd. office of Patliputra, Patna at the time of agreement in the year 2011.

On the other hand, Sri Anjani Kumar, Sr. Advocate appearing for the Vigilance Investigation Bureau submits that the in course of investigation it has come in the statement of Sarjit Chandan, Sr. Manager Business Strategic Project of IIIM Limited that on the instruction of this petitioner, being the senior officer, he prepared the invoice and sent to the government for payment and, accordingly, the payment was made.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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