

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20967 of 2020**

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

SHANTI DEVI W/o Rameshwar Prasad Residing at Near Amprapali Cinema Hall, P.S.- Danapur, District- Patna.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Senior Advocate.
For the State	:	Mr. Ajay Mishra, A.P.P.

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

ORAL ORDER

3 13-11-2020 In view of the submission and undertaking of the learned Senior counsel for the petitioner, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 22.06.2020/12.10.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned Senior counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Gandhi Maidan P.S. Case No.515 of 2017 registered under Sections 471, 409, 420 and 120B/34 of the Indian Penal Code besides Sections 13(1)(c) and (d) read with Section 13(2) of the P.C.



Act, 1988.

The accusation is that Lohiya Swachhata Yojana sponsored by the Government of India was started in the district of Patna before 2016 and the said scheme was running under the supervision of the Public Health Engineering Department, East Patna, which was transferred through Letter No.275537 dated 17.06.2016 to the Rural Department Agency, Patna. Till that date, Rs.14,36,91,509/- was spent under the scheme, due to that reason, inquiry was done in the light of the order of the District Magistrate by the Director Account, D.R.D.A., Patna, and the Deputy Development Commissioner, Patna. On inquiry, it was detected that under the scheme, the money was not transferred directly to the beneficiaries, rather the same was transferred to the several NGOs and the money of the scheme was misappropriated.

Learned Senior counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case being the Chairman of Shanti B.H. Training Centre and Vivek Kumar, the son of the petitioner, was the Secretary of the said NGO. In fact, the said NGO was being run and looked after by Vivek Kumar, the son of the petitioner, and the name of the petitioner was only on the paper. The petitioner had no



knowledge about receiving of Rupees 65 lacs in the name of her NGO from the PHED. Further submission is that while the prayer of the petitioner for grant of bail was rejected by this Court vide order dated 02.07.2019 passed in Criminal Misc. No.30099 of 2018 (filed by the petitioner) with Criminal Misc. No.66015 of 2018 (filed by the co-accused Manoj Kumar) but the petitioner, who is lady, is in custody since 13.04.2018. Co-accused Vivek Kumar, the son of the petitioner, has already been granted the privilege of bail by a Bench of this Court vide order dated 16.06.2020 passed in Criminal Misc. No.47474 of 2019. On investigation, the police has already submitted the charge-sheet against the petitioner.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on 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-1, Patna, in connection with Gandhi Maidan P.S. Case No.515 of 2017.

(Rajendra Kumar Mishra, J)

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