IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17494 of 2020

Arising Out of PS. Case No.-110 Year-2017 Thana- C.B.I CASE District- Muzaffarpur

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Raesa Khatoon @ Rahesa Khatoon, Female, aged about 48 years, Wife of Md. Alam Rain Ex - Mukhiya, Manikauli Block Singhwara, Resident of Village - Agyaspur, P.S.- Singhwara, Distt - Darbhanga.

... ... Petitioner

Versus

The S.P., Vigilance Department, Govt. Of Bihar, Patna.

... ... Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shyama Kant Singh, Advocate
For the Vigilance	:	Mr.Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

5 23-09-2020 Heard learned counsel for the petitioner and Mr. Arvind Kumar, learned counsel representing the Vigilance Investigation Bureau.

The petitioner in the present case is seeking pre-arrest bail in connection with Patna Vigilance Case No. 110 of 2017 vide Special Case No. 46/2017 registered for the offences punishable under Sections 409, 420, 467, 468, 471, 477(A)/120B of the Indian Penal Code and 13(2) and 13(1)D of P.C. Act 1988, pending in the court of learned Special Judge, Vigilance, North Bihar, Muzaffarpur.

Learned counsel for the petitioner submits that the present vigilance case has been lodged on the basis of the written report of Mr. Ranjan Kumar Singh, Police Inspector, Vigilance Department on 08.12.2017. In his written report he has alleged that one Mustaque Rain had given complaint before the Chief Minister, Bihar in Janta Darbar which was investigated by the Vigilance Department and in the complaint it is alleged that the then Mukhiya (petitioner) and Panchayat Secretary of Panchayat Raj Manikauli, had wrongly misappropriated the amount meant for the government schemes of Indira Awas and other schemes in the name of BPL list. It is alleged that Indira Awas scheme is meant for those persons who have no house and whose name appears in the BPL list i.e. below poverty line. It is meant only for married women of the family but the then Mukhiya (petitioner), Panchayat Secretary and B.D.O. have allotted Indira Awas during the period 2006 and 2011 to 18 male persons who were unmarried.

It is then alleged that in the year 2008 – 09, the then Block Development Officer, Singhwara prepared a list of 55 beneficiaries who had to be provided Rs. 24,000/- each as first installment. Similarly, a list of 42 beneficiaries were provided with instruction to the United Bank of India, ManKauli to pay Rs. 24,000/- as first installment. It is then alleged that apart from the said list of 42 beneficiaries another list has been enclosed in which in the name of Harijans list 28 persons have been shown in place of 25, in general category 12 persons have been shown in place of 11 and in the name of minorities 7 names have been mentioned in place of six, which shows that name of five persons were added in the list later on and it is a result of criminal conspiracy among the Mukhiya, the Panchayat Secretary and Block Development Officer with a motive to get unlawful gain while causing unlawful loss and misappropriation of government money by creating forged and fabricated documents. It is submitted that by submitting the written report though the name of the petitioner has been brought along with Panchayat Sachiv and the Block Development Officer but there is no prima-facie material to connect the petitioner or to show her active participation.

On the other hand, Mr. Arvind Kumar, learned counsel representing the Vigilance Investigation Bureau has brought to the notice of this Court the written report of the Inspector of Police, Vigilance Investigation Bureau, as contained in letter no. 1068/2017 addressed to the Superintendent of Police (Investigation) in which he has elaborately provided the mode and manner in which the BPL list were manipulated and then the person who were not eligible for getting the benefit of government schemes have been included and money withdrawn. It is submitted that in the given facts and circumstances of the case there being serious allegation against the petitioner of misappropriation of government money which were meant for the schemes with an intention to ultimately benefit the poors in the society, the petitioner does not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, the materials available on the record particularly the contents of the preliminary inquiry which has been conducted by the Inspector of Police, Vigilance Investigation Bureau suggesting prima-facie materials to connect the petitioner with the alleged misappropriation of government money, I am not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, her prayer for regular bail shall be considered by the learned court below on it’s own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.