

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29870 of 2020

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

VIJAY KUMAR (Male), aged about 55 years, Son of Late Bhim Singh,
Resident of Takiyapr Narial Ghat, P.S.- Danapur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Y.C. Verma, Sr. Advocate and Mr. Ansul, Advocate.
For the State	:	Mr. Ram Bilash Roy Raman, A.P.P.
For the Vigilance	:	Mr. Arvind Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 10-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned senior counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned senior counsel for the petitioner,
learned counsel for the Vigilance and learned A.P.P. for the
State.

The petitioner seeks bail in a case for the offence
registered under Sections 467, 468, 471, 409, 420, 120(B)/34 of
the I.P.C. and 3(i)(c)(d) read with 13(ii) of the P.C. Act, 1988.



This case relates to defalcation of amount under '*Swakchch Bharat Mission (Rural)*' and as per allegation between 01.05.2016 to 23.06.2016, Rupees Twenty Crore and Odd has been withdrawn and it is alleged that Rs. 25,00,000/- (Rupees Twenty Five Lacs) was transferred to the account of N.G.O., namely, '*Ram Krishna Yuva Seva Samiti*' of which the petitioner is a Secretary, and as such, he has misappropriated the amount.

It has been submitted by learned senior counsel for the petitioner that the petitioner is in custody since 20.04.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has transpired in the present case in course of investigation. The matter relates to defalcation of public money in connection with a Government of India Scheme, namely, '*Swakchch Bharat Mission (Rural)*'. The petitioner has been made accused in the present case due to mistake of fact. There is no substantive evidence to suggest that the petitioner had defalcated the public money. It is further submitted that the petitioner is ready to deposit an amount of Rs.



25,00,000/-(Rupees Twenty Five Lacs Only) in the learned court below which shall be subject to final disposal of the case. At the time of furnishing bail bonds, the petitioner undertakes to deposit an amount of Rs. 10,00,000/-(Rupees Ten Lacs Only) and the remaining balance amount of Rs. 15,00,000/- (Rupees Fifteen Lacs Only) will be deposited by the petitioner within a period of six months in six equal instalment.

On behalf of the Vigilance Department, Mr. Arvind Kumar, it is submitted that the petitioner is alleged to have defalcated the public money of Rs. 25,00,000/- (Rupees Twenty Five Lacs) but if the petitioner deposits the aforesaid amount of Rs. 25,00,000/- (Rupees Twenty Five Lacs) in the learned court below which shall be subject to final disposal of the case, he has no objection to the same.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on provisional bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance Ist, Patna, in connection with Special Case No. 349 of 2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017.

At the time of furnishing bail bonds, the petitioner



shall deposit an amount of Rs. 10,00,000/- (Rupees Ten Lacs Only) and the remaining balance amount of Rs. 15,00,000/- (Rupees Fifteen Lacs Only) shall be deposited by him within a period of six months in six equal instalment.

If the petitioner complies with the same, the provisional bail granted to the petitioner shall be confirmed by the learned court below itself. In case, the petitioner fails to do so, learned court below shall be at liberty to cancel the bail bonds of the petitioner and proceed further against him.

(Sudhir Singh, J)

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