

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58688 of 2019

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

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Arun Kumar, aged about 50 years (M), Son of Sri Prayan Sharma Resident of
Village - Sakari Masuda, P.S.- Mehandia, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Usha Kumari Singh, Adv.

For the Opposite Party/s : Mr. Anil Singh, Spl.P.P. (Vig.)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 04-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Special Case No. 75A/2014 arising out of Karpi P.S. Case No. 122 of 2014 registered for offences under sections 420, 406, 409, 34 of the Indian Penal Code and Section 13(1)(d) of the P.C. Act.

The matter relates to Sampurna Swachata Abhiyan and the money used to come from the Central Government for the purpose of providing toilet facility to every house and certain NGOs were short-listed. Accordingly, the money was distributed to them for the purpose of carrying out the scheme of the Swachata Abhiyan. It is not in dispute that the petitioner is one of the person running NGO in the name of Prayan and,



admittedly, he was allotted the job of construction of 43 toilets and paragraph no.170 of the case diary relates to the petitioner from where it appears that certain information has not been given but, it reflects from the case diary that number of persons for whom the money was allotted for construction of the toilet, he has not constructed the same.

From the records, it appears that the petitioner has made construction of the toilet and with respect to certain persons, nothing has been recorded against their name. In that view of the matter, there is no verification with regard to the status of construction of the toilet of certain persons of different villages.

Learned counsel for the petitioner submits that the petitioner has brought on record the statement of the beneficiaries along with photographs of the toilet showing that the construction has been made.

From the records, it appears that with respect to certain persons, of-course there is no such information has been provided regarding status of the construction of toilet but, in majority, the toilet has been constructed. He has also received money for carrying out the purpose.

Learned counsel for the petitioner submits that the



similarly situated persons, namely, Ran Vijay Yadav @ Ranvijay Singh and Kaushal Kumar in Cr. Misc. No. 28884 of 2019 and Cr. Misc. No. 72207 of 2018 have been granted privilege of anticipatory bail and the case of the petitioner is standing at par with those persons.

Learned counsel for the Vigilance and counsel for the State have drawn attention of this Court towards the paragraph no. 170, 176 and 215 of the case diary from where it reflects that though the money was given but, the construction of toilet has not been done. Further, learned counsel for the Vigilance has brought an order passed by me whereby I have rejected the anticipatory bail of Ram Babu vide order dated 18.10.2017 passed in Cr. Misc. No. 23928 of 2017 who has also made second attempt which was dismissed as withdrawn.

In the case of co-accused Suman Singh, this Court vide order dated 20.11.2019 passed in Cr. Misc. No. 43365 of 2018 has recorded that the toilets in large number have not been constructed and has issued notices to all those to whom the bail has been granted as to why their bail application be not canceled.

As has been pointed by the counsel for the Vigilance, they are not at all cooperating in the early disposal of



the case rather by one way or the other they are protracting the delay.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, above named, is rejected.

If the petitioner surrenders before the court below within a period of three weeks from today and makes a prayer for bail, the court below, without being prejudiced by this order, will pass orders in accordance with law.

(Shivaji Pandey, J)

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