

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76962 of 2019

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

=====

Umesh Manjhi, Son of Sri Bhuvneshwar Manjhi, Resident of Shivalapur,
P.O.- Neura, P.S.- Shahpur, District - Patna.

... .. Petitioner

Versus

The State of Bihar through Cabinet Vigilance.

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ashish Giri, Advocate
For the Opposite Party : Mr. Rana Vikram Singh, SC to Vigilance

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

8 11-09-2020 Heard Mr. Ashish Giri, learned counsel for the

petitioner and Mr. Rana Vikram Singh, learned counsel for the

Vigilance via video conferencing.

The petitioner seeks pre-arrest bail in connection with

Patna Vigilance Case No. 81 of 2017 giving rise to Special Case

No.343 of 2017 registered under Sections 406, 409, 420, 467, 468,

471, 477A, 120B of the Indian Penal Code and Section 13(2) read

with 13(1)(d) of the Prevention of Corruption Act,1988.

It is contended by Mr. Ashish Giri, learned counsel for

the petitioner that on perusal of the first information report, it

would be evident that no offence as alleged is made out against the

petitioner. The petitioner being nodal officer of Bihar Mahadalit

Vikas Mission was neither the authority for sanctioning payment

nor the authority competent to take any decision for disbursement



of payment or allotment of work. The allegation as against him regarding forwarding the file without considering objection does not constitute any criminal offence either under the Indian Penal Code or the Prevention of Corruption Act. He further contended that from the charge-sheet itself, it would be evident that the forged list of 3534 candidates is alleged to have been prepared by Sri Sharad Kumar Jha, Director, IIIM Ltd. Hence, the allegation that the petitioner forwarded the forged list to Smt. Devjani Kar would also not attract ingredients of the offence alleged. Lastly, he contended that the dispute is predominantly of civil nature and arbitration proceeding is also pending in the matter.

Mr. Rana Vikram Singh, learned counsel appearing for the Vigilance has vehemently opposed the prayer for grant of pre-arrest bail made by the petitioner. He contended that the charges against the petitioner are that for conspiring together with the other accused persons in payment of Rs.70,60,510/- for examination and certification of the trainees during the tenure of Sri S.M. Raju, I.A.S., the then Chief Executive Officer, Bihar Mahadalit Vikas Mission (for short 'BMVM'), another co-accused of the case. He contended that Sri S. M. Raju served BMVM from 20.02.2013 to 21.01.2014 and from 20.11.2014 to 23.02.2016 and in course of investigation, it was found that examinations were not held and the petitioner being the nodal officer of BMVM for south Bihar was



very much instrumental in making illegal payment of Rs.70,60,510/- to the IIIM Ltd. forging the documents. It was the petitioner who had processed and forwarded the file for wrong and illegal payment to the other co-accused person, pursuant to which the payments were made. He further contended that after considering the cases of the other co-accused, namely, S.M.Raju, K.P. Ramaiya and Devjani Kar, this Court, vide orders passed in Cr. Misc. Nos. 17156 of 2018, 4117 of 2018 and 49062 of 2018 respectively, rejected their application for grant of pre-arrest bail.

Having heard the parties and considered the materials on record, since there is specific allegation in the first information report against the petitioner that being nodal officer of BMVM during the relevant period, he had processed and forwarded the file, which led to illegal payment of Rs.70,60,510/- to IIIM Ltd. and the allegation is that the accused persons in furtherance of their common object had conspired together in illegal payment to IIIM Ltd, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the application is rejected.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of



proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.

- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Ashish Giri, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

sanjeet/-

U		T	
---	--	---	--

