

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9221 of 2020

Arising Out of PS. Case No.-17 Year-2014 Thana- VIGILANCE District- Patna

SUMAN LATA SINHA, Wife of Tarkeshwar Prasad Singh, Resident of
Village- Neknampur, P.S.- Paru, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Through Vigilance Investigation Bureau, Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan, Adv.

For the Opposite Party/s : Mr.Anjani Kumar(L.O.Inc.Vigilance,Bihar,Patna)

: Ms.Archana Palkar Khopde, Vigilance

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 30-06-2020 This case has been heard through Video Conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 406, 409,
420, 467, 468, 471, 477(A), 120(B) of the Indian Penal Code and
Sections 7, 8, 13 (2) read with 13(i) (D), 13 (1) (c) of the
Prevention of Corruption Act.

Prosecution case in brief is that one Sudhir Kumar
Ojha has filed a complaint case bearing no. 51/2010 before the
court of learned Special Judge, Vigilance Muzaffarpur and
alleged therein that District Administration, Muzaffarpur posted
in the period of 2006-2010 under the 12th Finance Commission
project, huge embezzlement was allegedly made in allotment, in
payment as well as installation of solar lights in the whole



Muzaffarpur district and subsequently matter referred to Vigilance Department for preliminary enquiry. On the basis of enquiry report Vigilance Department has instituted an FIR bearing Vigilance Case No. Vigilance P.S. (Patna) Case No. 17/2014 dated 03.03.2014 registered for the offences under Sections 406, 409, 420, 467, 468, 471, 477(A), 120(B) of the Indian Penal Code and Sections 7, 8, 13 (2) read with 13 (i) (D), 13 (1) (c) of the Prevention of Corruption act against the 367 accused persons in which petitioner has been made at Sl. No. 193.

Learned counsel for the petitioner submits that the petitioner is innocent and being the then Mukhiya of Gram Panchayat Raj, Neknampur has committed no offence as so alleged in any manner rather she has been falsely implicated in mechanical manner which would be transpired from the FIR itself. After so called verification, verification report has been submitted on 26.10.2016 i.e. after 23 days after the order of senior officer. He further submits that at the out set, it is stated that the complainant namely Sudhir Ojha on whose complaint instant enquiry was held, himself contended that he obtained information under RTI from most of the blocks of the district meaning thereby he had no information about all the blocks and without proper enquiry the Vigilance Department without visiting



the office of the Panchayat as well as Block only on the basis of documents supplied by the said complaint they arrived at the conclusion that embezzlement has been committed. According to details mentioned by the Enquiry Officer, Government fixed the price of the solar light was Rs. 28,100/- per solar light whereas petitioner purchased solar light at the rate of Rs. 32,928/- per solar and had purchased total 15 solar lights. He further submits that the District Magistrate vide Memo no. 2470 dated 01.10.2008 accorded sanction for purchasing 2 solar lights at the rate of Rs. 49,800/- each solar lights which would show that the price in the market of solar light was 49,800/- is at (Annexure-2) of the bail petition.

Learned counsel for the petitioner further submits that during installation of solar lights, payment was made through account payee cheque and such fact would be evident from order sheet of the Panchayat but the Vigilance Department since did not examine the record of the petitioner's Panchayat so given their finding that all most agencies who has supplied the solar lights were fake. The petitioner has no criminal antecedent.

Learned counsel for the Vigilance vehemently opposes the prayer for bail petition and submits that lights were purchased by the petitioner in high price.

The petitioner is agreed to deposit of the difference



amount of Rs.73,000/- (Rupees seventy three thousand) in the Treasury, Muzaffarpur.

In the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above named petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Muzaffarpur in connection with Special Case No. 28/2014 arising out of Vigilance P.S. Case No. 17 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.73,000/- (Rupees seventy three thousand) in the Treasury, Muzaffarpur.

(Anjani Kumar Sharan, J)

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