

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26027 of 2020

Arising Out of PS. Case No.-78 Year-2017 Thana- SALAIYA District- Aurangabad

JANAK NANDAN SINGH S/o Late Sridhar Singh Resident of Mohalla-
Chandrashekhar Nagar, East Gola Road, P.S.-Danapur, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, THROUGH THE DIRECTOR GENERAL,
ECONOMIC OFFENCES UNIT, BAILEY ROAD, PATNA Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Sr. Advocate Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Vishwanath Pd. Sinha, Sr. Advocate Ms. Soni Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceeding of the Court are being conducted through video conferencing
and the Advocates joined the proceeding through Video Conferencing from
their residence.)

12 05-08-2021 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Special Case
No. 43(B) of 2018, arising out Salaiya P.S. Case No. 78 of
2017, registered for the offence under Sections 409, 420/34 of
the Indian Penal Code and Section 13(2) r/w Section 13(1)(D)
of the Prevention of Corruption Act.

FIR has been instituted on a written complaint lodged
by Block Development Officer, Madanpur alleging huge
misappropriation and defalcation of scholarship amount by
Chandan Kumar Ranjan, Headmaster of Primary school, Teka
Bigha, Madanpur, Shanti Bhushan Arya, District Welfare

Officer, Aurangabad, Branch Manager of Bihar Gramin Bank, Khirayawan and Block Education Officer.

Allegation is defalcation of Rs.2,46,85,000/- allotted to school for distribution among students belonging to reserved category as scholarship but same was deposited in a forged account of Vidayalya Shiksha Samiti of said school of which, there was no record maintained either in the school or in the welfare department and in connivance with headmaster of the school, District Welfare Officer, Aurangabad and two employees of the Welfare Department Vijay Kumar, Scholarship Assistant and Janak Nandan Singh (petitioner) Najir- cum- Accountant, misappropriated the whole amount meant for poor and needy students belonging to deprived section of society.

It is submitted on behalf of petitioner that he is innocent and has committed no offence. Petitioner is not named in the FIR rather his name surfaced in course of investigation at a belated stage. His duty was only to prepare the cheque in the name of Vidayalya Shiksha Samiti of said school / concerned school with account number on the instructions of District Welfare Officer, as such, there was no direct or indirect involvement of petitioner in misappropriation of scholarship money. Petitioner was transferred much prior to registration of

present FIR to the District Welfare Office, Kaimur and he was relieved on 17.9.2016.

On the other hand, Mr. Vishwanath Pd. Sinha, learned Sr. counsel assisted by Ms. Soni Srivastava, learned counsel for Economic Offence Unit, has submitted that materials collected during investigation shows direct involvement and complicity of petitioner in defalcation of scholarship money and being Nazir, he was well aware that the account number of Vidayalya Shiksha Samiti of said school against which money was transferred by cheques as well as NEFT was a forged account and huge amount was being regularly deposited in said account and there was gross mismatch with the number of students entitled for scholarship and without receipt of utilization certificate, scholarship fund was being sent in the account of Vidayalya Shiksha Samiti of said school which shows his connivance and involvement in the scam. It is further submitted that petitioner is also an accused for offence of similar nature.

During investigation, it was found that from 1.1.2015 to 7.9.2017, 2 crores 46 lacs 85 thousand 600 rupees was transferred from the District Welfare Office in the said forged account no.71110100069389 in the branch of Madhya Bihar

Gramin Bank, Khiriywana, Madanpur which was opened in the name of in-charge, Headmaster, Chandan Kumar Ranjan and Secretary of Vidayalya Shiksha Samiti of said school Pramod Choudhary on being identified by Block Education Officer. It appears that Rs.84,12,000/- was withdrawn by accused Chandan Kumar Ranjan and Pramod Choudhary of which, there is no account, however, rupees 1 crore 31 lacs 36 thousand 6 hundred was either deposited in the account of accused Chandan Kumar Ranjan or his family members. The first scholarship amount of Rs.2,62,200/- was deposited on 12.9.2014 and the last was deposited on 14.6.2016 during period of which, petitioner was posted in the District Welfare Office, Aurangabad although the total number of students in the school were 162 only.

In his confessional statement, accused Chandan Kumar Ranjan has admitted that he joined as Headmaster in the school in 2012-13 in which 150 to 160 students were enrolled and he used to receive 2 to 4 lacs amount of scholarship from District Welfare Office, Aurangabad and used to distribute it in cash and accused Vijay Kumar and accused Janaknandan Singh (petitioner) gave the idea and manner of misappropriation of scholarship fund and every act was done as per their plan and after transfer of District Welfare Officer and Nazir and

Scholarship Assistant, scholarship amount was stopped. Accused Shanti Bhushan Arya, District Welfare Officer, in his defence / reply, could not explain under what circumstances, such a huge scholarship amount was transferred into forged account of Madhya Bihar Gramin Bank, Khirwanya although the Block Education Officer had given the different account number maintained by the Vidalya Shiksha Samiti in Allahabad Bank. It has been further submitted that anticipatory bail application of similarly placed accused Vijay Kumar has been rejected by a co-ordinate Bench of this Court vide order dated 12.03.2021 passed in Cr. Misc. No.27208 of 2020.

Having heard learned counsel for the petitioner and learned counsel for the Economic Offence Unit, this Court is not inclined to grant anticipatory bail to petitioner and, accordingly, same is rejected.

(S. Kumar, J)

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