

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30516 of 2020

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

Soni Shree Wife of Chandan Kumar Resident of Village- Salempur, P.S.-
Lakhisarai, District- Lakhisarai.

... .. Petitioner

Versus

The State Of Bihar through the S. P. Vigilance Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Senior Advocate
		Mr. Rakesh Kumar Sharma, Advocate
For the Vigilance :		Mr. Rana Vikram Singh, Special P.P.
For the State		Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 08-03-2021 Heard learned senior counsel for the petitioner and
learned counsel for the Vigilance Department, Bihar.

The petitioner has filed the instant application for grant of anticipatory bail in connection with Special Case no. 349 of 2017 arising out of Gandhi Maidan P.S. Case no. 515 of 2017 registered under sections 467, 468, 471, 409, 420, 120(B)/34 of the Indian Penal Code and sections 13(1)(c) (D) read with section 13(2) of the Prevention of Corruption Act.

As per allegation in the F.I.R., in course of financial audit/inspection it transpired that a sum of Rs. 14.36 crores approx had been spent by the department on two schemes within a short period from 01.05.2016 to 23.06.2016. As a result of huge expenditure in such a short period of time, enquiry was



ordered to be initiated. On the joint enquiry conducted by Director Audit, D.R.D.A., Patna and the Deputy Development Commissioner, Patna a deep routed criminal conspiracy transpired. It transpired that under the conspiracy Rs. 12.18 crores approx had been transferred to the account of some of the N.G.Os. by the office of P.H.E.D., Patna and defalcated.

It is submitted by learned counsel for the petitioner that the name of the petitioner transpired in course of investigation when it transpired that co-accused Biteshwar Prasad Singh who happened to be an employee in P.H.E.D. had along with other co-accused persons transferred huge amounts to different accounts of some of the N.G.Os. including Maa Sarveshwari Seva Sansthan. The mother of the petitioner herein namely Parmila Singh happens to be the Accountant and the sister happens to be the Chairman of the said Maa Sarveshwari Seva Sansthan and it is only on account of the said relationship that the petitioner has been falsely implicated in the case. It is submitted that so far as the confessional statement of co-accused Biteshwar Prasad Singh is concerned, no amount or incriminating article has been recovered from the possession or account of the petitioner. There is no material to connect the petitioner with the amount said to have been defalcated by co-



accused Biteshwar Prasad Singh in collusion with N.G.O. Maa Sarveshwari Seva Sansthan. It is submitted that the petitioner who is a lady has no criminal antecedent and she undertakes to cooperate in the investigation/case.

The application for bail is opposed by learned counsel for the Vigilance Department who submits that pursuant to the joint enquiry conducted by the department it transpired that a number of accused persons including Biteshwar Prasad Singh an employee of the P.H.E.D. had transferred huge amount to the N.G.O. of which the petitioner herself was an active member. Referring to the letter dated 03.05.2013, it is submitted that the Principal Secretary by the said letter had categorically directed that payments shall be made to the account of the beneficiaries and not through the N.G.Os. In utter violation of the same payment was made by Biteshwar Prasad Singh to the N.G.O. of the petitioner. He further states that commission amount of the amount paid to the N.G.O. of the petitioner was paid to accused Biteshwar Prasad Singh by Manoj and the petitioner herein who had deducted her commission amount from the same. It is submitted that petitioner is not cooperating in the investigation.

Having heard learned counsel for the parties and taking into consideration the submissions made together with



the material that has transpired in course of investigation, the investigating agency has not been able to link the commission amount to the account of the petitioner nor has any recovery been made. Thus, this Court is inclined to allow the instant application for anticipatory bail. The petitioner above named, in the event of her arrest or surrender in the Court below within a period of six weeks from today in connection with Special Case no. 349 of 2017 arising out of Gandhi Maidan P.S. Case no. 515 of 2017 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-I, Patna, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

However, in view of the submissions made above, it is directed that the petitioner shall make herself available to the investigating agency as and when required and shall co-operate in the investigation of the case.

(Partha Sarthy, J)

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