

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82143 of 2019

Arising Out of PS. Case No.-462 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

RAJANI KANT OJHA Son of Late Lakshaman Ojha Resident of Village and P.O.-Chhotka Singharpura, Police Station-Simiri, District-Buxar, at present District Welfare Officer Khagaria.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Manoj Kumar (A.S.P) Vigilance, son of Ram Chandra Prasad, at present:
A.S.P. Vigilance Bureau, Patna.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate.
For the State	:	Mr. Nawal Kishore Prasad, A.P.P.
For the Vigilance	:	Mr. Anjani Kumar, Senior Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

12 08-03-2021 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned Senior counsel for the Vigilance.

The petitioner apprehends his arrest in connection with Bhabhua Police Station Case No.462 of 2019 registered under Sections 467, 468, 471, 419, 420, 205, 193, 219, 120(B) and 511/34 of the Indian Penal Code.

The accusation is that one Arun Kumar Upadhyay, Ex-Mukhiya of Panchayat-Mahuari, Block-Bhabhua, filed C.W.J.C. No.17109 of 2012 for the payment of Rs.3,64,000/- for the work of installation of Solar Light, which was disposed of with a direction to make inquiry into the matter and make



payment, if the work has been done. Thereafter, Arun Kumar Upadhyay filed M.J.C. No.2494 of 2016, in which respondents appeared and pleaded about non doing the work. Thereafter, vigilance inquiry was done and, in that course, it was detected that the petitioner Rajani Kant Ojha being the then Block Development Officer, Bhabhua, had ordered for making payment, on inquiry, if the work has been done. Thereafter, Kapildev Ram, the Panchayat Secretary, Mahuari, issued the cheque, while the same was not encashed.

Learned counsel for the petitioner submits that, in fact, at the relevant time, the petitioner was posted as Block Development Officer, Bhabhua, and he had ordered for payment of the amount claimed, if the work has been done. It has also come in the vigilance inquiry that the work was not done, while the cheque was issued by Kapildev Ram, the then Panchayat Secretary, Mahuari. Further submission is that Kapildev Ram, has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 26.11.2019 passed in Criminal Misc. No.71503 of 2019. The petitioner has no criminal antecedent.

On the other hand, learned Senior counsel for the Vigilance submits that, in course of Vigilance Inquiry, it was



detected that without any scheme, under collusion, the preparation was made for payment of the amount for installation of Solar Light, in which the petitioner being the Block Development Officer, Bhabhua, was instrumental.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Bhabhua Police Station Case No.462 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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