

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16912 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- VIGILANCE District- Patna

SHIVDANI PASWAN @ SHEODANI PASWAN Son of Ram Nagina Paswan
Resident of Village - Adarsh nagar, Collectariate Road, P.s.- Buxar, Dsitt.-
Buxar. At Present Posted as Asstt Engineer, Water Resources Deptt. ,
Durgawati Right Bank Canal, Chenari, Rohtas.

... .. Petitioner/s

Versus

The State of Bihar through the Superintendent of Police Cum Sattion House
Officer, Vigilance Investigation Bureau. Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21467 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- C.B.I CASE District- Bhagalpur

MD. NOORULLAH SON OF AHMAD ALI ANSARI RESIDENT OF
VILLAGE- MALMALIYA, POLICE STATION- PRATAPGANJ,
DISTRICT- SUPAUL. AT PRESENT POSTED AS ASSISTANT
ENGINEER, RURAL DEVELOPMENT DEPARTMENT, KISHANGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH S. P. -CUM- STATION HOUSE
OFFICER, VIGILANCE INVESTIGATION BUREAU. BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16912 of 2022)

For the Petitioner/s : Mr.Ramakant Sharma, Sr. Adv.
Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Arvind Kumar, Adv.(Vigilance)

(In CRIMINAL MISCELLANEOUS No. 21467 of 2022)

For the Petitioner/s : Mr.Ramakant Sharma, Sr. Adv.
Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Arvind Kumar, Adv.(Vigilance)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-08-2022 Heard learned senior counsel for the petitioners and
learned counsel for the Vigilance.

Learned senior counsel for the petitioners undertakes to



remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 465, 467, 468, 471, 409, 120B of the IPC and sections 13(2), 13(1)(D) of the Prevention of Corruption Act.

Allegation against the petitioners is of committing embezzlement by making fake job cards and passbook in the schemes operated under MNREGA in Bhelwa Panchayat under Block Sattarkatiya of District Saharsa. It is alleged that fake withdrawals were made in the name of Government servant by opening job cards in their name. It is alleged that four beneficiaries were the Government servant in whose account illegal amount was withdrawn.

It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. It is submitted that during investigation, it was found that Rs.87,084/- has been wrongly transferred in the name of another person. It is submitted that so far allegation of preparing job



cards even for Government servant is concerned, petitioner has no role to play and it appears that accused Sanjeev Kumar Yadav, the then Programme Officer has taken photo and photo copy of the Aadhar card of the Government servant for the work of filling of soil and after that they came to know that the job cards opened in their names is wrong as they were Government servant. They neither applied for the job cards nor have made signature anywhere and petitioners has no role in the same. Learned senior counsel for the petitioners submits that according to the F.I.R., there is a loss of Government fund of Rs.82,836/- out of which Rs.42,480/- has been deposited by challan and petitioners are ready to deposit the rest amount.

Learned counsel for the Vigilance vehemently opposed the prayer for bail and submits that there is an allegation of misappropriation of Government fund.

Petitioners are agreed to deposit Rs.8,00,000/- (Rupees Eight Lakh) each in the Nazarat of the District Court.

Having regard to the facts and circumstances of the case, since the petitioners are ready to deposit the amount, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Vigilance P.S. Case No.11 of 2021/Spl. Vigilance P.S. Case No.05 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, bail bonds of the petitioners shall be accepted after showing the receipt of deposit of Rs.8,00,000/- (Rupees Eight Lakh) each in the Nazarat of the Court below.

(Anjani Kumar Sharan, J)

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