

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15176 of 2023

Arising Out of PS. Case No.-6 Year-2019 Thana- C.B.I CASE District- Patna

Vishwajit Pandey Son Of Late Ajeet Pandey R/O Jai Chhapra, Pandey Tola,
Ps- Manjhi, Dist- Saran, Chhapra

... .. Petitioner/s

Versus

The state of Bihar through C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Surendra Kumar Singh, Adv.
For the Opposite Party/s :	Mrs. Nivedita Nirvikar, Sr.Adv.
	Mr. Avanish Kumar Singh, Adv.
	Mr. Saurendra Pandey, Adv.
	Mr. Ambar Narayan, Adv.
	Ms. Barkh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV ORDER

7 19-08-2023 Heard learned counsel for the petitioner and learned
senior counsel for the C.B.I.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 420, 409, 354, 504, 509 and 120B of the Indian Penal Code.

3. As per prosecution case, on the basis of report of Tata Institute of Social Sciences (TISS), the District Programme Officer lodged a complaint with SHO, Patliputra P.S. vide Patliputra P.S. Case No. 333 of 2018 alleging certain irregularities in the Shelter Home/Short Stay Home run by IKARD.

4. Learned counsel for the petitioner submits that the petitioner is innocent and have been falsely implicated in



this case. According to the FIR, there is no specific allegation against the petitioner with respect to the offence in question and the petitioner has been made accused in this case simply on the allegation that the investigating officer wanted to save all the responsible officers for the lapses and petitioner, being the Accountant of the Short Stay Home, was made scapegoat so that DM, DDC, DPM and DPO, Patna and the MD, Women Development Corporation be exonerated of all the charges by the I.O. The petitioner was appointed as per guidelines as Accountant of proposed Center by the District Administration, who was looking after the management and affairs of the Patna Unit and since the petitioner was working as per the guidelines of the District Administration, as such, no liability can be fastened upon him. It is relevant to state that as per the guidelines of WDC, all the conditions required to be fulfilled by the WDC or the District Administration which they have never fulfilled rather they grossly violated each and every terms of the guidelines and the agreement and further even the amount of Rs. 33,17,800/- as fixed by the WDC was never paid to the centre. He submits that the entire liability and responsibility of running the centre, Alpawas Grih (Stay Home), under the Mukhyamantri Nari Shakti Scheme was upon the Mahila Vikas Nigam/Women



Development Corporation as State Government Agency and the petitioner being the Accountant was required to function as per the terms decided under the agreement executed between the District Magistrate, Patna and IKARD, the NGO which was given to run the centre. He submits that during the course of investigation, neither the SIT nor the CBI nor the girls nor any of the habitants have made any kind of allegation against the petitioner. The entire allegation of mismanagement committed in the Stay Home is completely false and baseless. During the investigation, the committee had recorded the statement of all the inmates and some of them were examined by the Magistrate under Section 164 of the Cr.P.C. but none of them have made any allegation against the petitioner. He submits that one of the co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 19.12.2022 passed in Cr. Misc. No. 37363 of 2021. He has also relied upon a Judgment passed by the Hon'ble Apex Court in the case of Mahdoo Bava vs. Central Bureau of Investigation reported in 2023 SCC Online SC 299.

5. Learned counsel for the CBI submits that the instant case RC 0922019S0006 was registered at CBI, SCB, Patna in compliance with the Order dated 28.11.2018 of the



Hon'ble Supreme Court of India passed in Special Leave to Appeal(C) No. 24978/2018 (Nivedita Jha vs State of Bihar & others). Vide the aforesaid order, the Hon'ble Supreme Court directed the CBI to investigate all the cases of Shelter Homes of Bihar which have been put under the category of 'Grave Concerns' in the report dated 27.04.2018 of Tata Institute of Social Sciences (TISS). Accordingly, the FIR being Patliputra PS case No. 333/18 dated 04.08.2018 was lodged u/s 420, 409, 354, 504, 509, 120B of IPC and a Regular Case vide RC No.0922019S0006 dated 16.01.2019 was registered with CBI, SCB Patna against Short Stay Home, Patna run by IKARD, Patna. So far as the petitioner, Vishwajit Pandey is concerned, he was holding the post of Accountant of the Short Stay Home run by IKARD. In course of investigation, it was revealed that the petitioner behaved in a lascivious manner and used gestures to insult the modesty of girls. It was mentioned in the inspection report dated 08.08.2016 to the effect that he engaged the inmates in getting completed his personal chores and was abusive both verbally and physically towards inmates for his lewd and lascivious behavior towards the inmates and actively participating in the verbal and physical abuse of inmates. Learned counsel for the CBI lastly submits that the similarly



situated co-accused has been granted bail because there is no specific allegation against Nagendra Prasad Singh of abusing and outraging the modesty of the inmates. He also submits that the judgment in the case of Mahdoo Bava (supra) is not attracted in the present case, hence, the petitioner does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with CBI Case No. RC 06(s)/2019.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

