

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45789 of 2022

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

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AJIT KUMAR JHA, Son of Sri Kamla Kant Jha Resident of Abhuar, P.S.-
Kisanpur, District - Supaul and posted as Programme Officer, MNREGA form
08/06/2009 to 04/03/2014 at Saharsa.

... .. Petitioner/s

Versus

The State of Bihar (Through Vigilance) Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate Mr. Amitabh Sohan, Advocate.
For the Vigilance	:	Mr. Arvind Kumar, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and the learned
counsel who representing the vigilance.

The petitioner apprehends his arrest in connection with
Vigilance P.S. Case No.11/2021 instituted under Sections
465,467,468,471,409 and 120B of the Indian Penal Code and under
Sections 13(2), 13(1) of the Prevention of Corruption Act, 1988.

As per the prosecution story, the Vigilance pursuant to the
direction of the office of the Hon'ble Lokayukta, Bihar, Patna, lodged
the F.I.R. alleging that in different schemes, number of Government
officials have embezzled the amount without providing the same to
the actual beneficiaries. So far as the petitioner herein is concerned,
he has been found to have embezzled the amount in connection with
Scheme No. 07/2013-2014 relating to the payment of amount.

Learned counsel for the petitioner submits that his tenure
was between 08.06.2009 to 03.03.2014 and so far as the allegation in



the FIR against him is concerned, the same is only restricted to Scheme No. 07/2013-2014. He submits that during his period, no payment was made but if it is found that due to his inaction/fault certain payments were made after he left the said post, he is ready to return the aforesaid amount without accepting the allegation.

Learned counsel for the Vigilance submits that the total amount in the Scheme No. 07/2013-2014 is 9,90,000/- and the amount that has been found to be taken out due to the fault of the petitioner could not be recovered.

Learned counsel for the petitioner submits that he is ready to cooperate in the matter and would see to it that the amount is calculated and further he undertakes to clear the amount to recovered within 30 days.

He lastly submit that similarly placed co-accused have since been released by a coordinate bench of this Court vide Cr. Misc. No. 16912 of 2022 (Shivdani Paswan @ Sheodani Paswan) and Cr. Misc. No.21467 of 2022 (Md. Noorullah) both dated 24.8.2022 on the ground that they were ready to pay the amount that has been found to be taken out during their period.

In view of the aforesaid submission of the learned counsel for the petitioner as also the fact that the similarly placed co-accused has since been granted the privilege of anticipatory bail, this Court is inclined to grant him relief subject to the condition that within a fortnight, he shall sit in the concerned office and received the



document showing the amount that he has to be recovered and within next 30 days, he shall be depositing the said amount in the Nazarat of the concerned Court. Failure to do so, the vigilance will be at liberty to take appropriate legal steps in the matter. The petitioner shall further make himself available as and when the Department sought his presence.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Vigilance P.S. Case No.11/2021 to the satisfaction of learned Additional Sessions Judge, Ind-cum-Special Judge, Vigilance (Trap) Act, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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