

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47634 of 2022

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

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SANJAY KUMAR SINGH SON OF JANARDAN SINGH R/O VILLAGE-
ALAWALPUR, P.S.- GAURICHAK, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Senior Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-01-2023 Heard Mr. Rama Kant Sharma, learned Senior
counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Special Case No. 349G/2017 arising out of Gandhi Maidan P.S. Case No. 515 of 2017 for the offence registered under Sections 467, 468, 471, 409, 420, 120(B)/34 of the Indian Penal Code and Section 13(1)(c)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

As per the FIR, in course of audit, it was found that Rs. 14.36 crores have been spent by the Department on two different schemes within a period of 01.05.2016 to 23.06.2016 and on joint enquiry conducted by the D.R.D.A. and D.D.C, Patna, the criminal conspiracy cropped up and it further transpired that under the said conspiracy, Rs. 12.18 crores were



transferred in the account of N.G.Os by the office of the P.H.E.D. Accordingly, the FIR was lodged alleging the defalcation in the matter.

Learned Senior Counsel submits that he being on the lowest strata of the employment, being the Block Co-ordinator at Bakhtiarpur, had absolutely no role to play in the matter but although has been dragged in the matter and his name also came in the confessional statement of Biteshwar Prasad Singh who was Accountant in the office. Accordingly, charge sheet has also been filed against him.

He however, concedes that the charge sheet was filed in 2018 and thereafter the petitioner sought anticipatory bail from learned Special Judge, Vigilance-I, Patna which was rejected on 20.09.2018 but chose not to move before this Court and in between he has also been dismissed from the service. It is his last submission that some of the accused persons have also been released on bail while one lady, Soni Shree was granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 30516 of 2020 vide order dated 08.03.2021.

Learned APP for the State, on the other hand, submits that all the accused persons including the petitioner herein played an active role which resulted into defalcation of Rs.



12.18 crores within a short period of May-June, 2016 and thus he opposes the prayer for bail.

Taking into account the fact that the FIR was lodged in 2017 and charge sheet submitted in 2018 and by his own admission, the petitioner approached the Special Judge, Vigilance, Patna for anticipatory bail in 2018 and after rejection of anticipatory bail chose to sit over the matter, this Court is not inclined to grant him relief, which is accordingly rejected.

The petitioner is directed to surrender before the Court of Special Judge, Vigilance, Patna and file application for bail who shall consider his case taking into account the orders that has been passed in the case of other accused persons and will dispose of the bail application at an earliest without being prejudiced by any of the observation made in this petition.

(Rajiv Roy, J)

Jagdish/Neha/-

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