

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70150 of 2021

Arising Out of PS. Case No.-27 Year-2018 Thana- C.B.I CASE District- Muzaffarpur

ANIRANJAN KUMAR SINHA Son of Late Ram Kishore Narayan Sinha
Resident of Mohalla - Lal Darwaza, Munger, P.S.- Munger Town, Distt.-
Munger.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar, Adv.
For the Opposite Party/s	:	Mr.Dr.Mrityunjaya Kr.Gautam, APP
For the Vigilance	:	Mr.Rana Vikram Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV ORDER

17 25-02-2023 Heard the learned counsel for the petitioner as well as

learned APP for the State assisted by learned Spl.P.P for the

Vigilance.

The petitioner apprehends his arrest in connection with a

Vigilance (Patna) P.S. Case No.-27 of 2018, registered for the

offences punishable u/s 409, 420, 467, 468, 471, 477-A, 120-B

of the IPC and Section 13(2) r/w section 13 (1) (c) and section

13 (1) (d) of the PC Act.

Prosecution case, in short, is that two complaint petitions

were received by Vigilance Bureau, Patna in which allegation

about financial irregularities committed under Boarder Area

Development Schemes by different public servants was leveled.



On the basis of same, an Inquiry was initiated to probe the allegation. Inquiry conducted, as such revealed that the accused petitioner being the then District Planning Officer, Motihari has misused his official position and in connivance with other officers, caused wrongful loss to the Government and wrongful gain to others and also to misappropriate the Govt. funds. As the inquiry report revealed cognizable offence committed by him, this Instant Vigilance PS. Case no 27/2018 dated 02.07.2018 has been registered u/s 409, 420, 467, 468, 477-A, 120B of IPC and u/s 32 r/w 13 (1) (c) and 13 (1) (d) of Prevention of Corruption Act, 1988 against 14 accused persons including the petitioner Anniranjana Kumar Sinha, the then District Planning Officer, Motihari.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this instant case on account of high handedness of the higher officials and the petitioner has clean antecedent.

Learned counsel for the petitioner submits that during his tenure as the then D.P.O, Motihari, has neither misused his official position nor in connivance with others caused wrongful loss to the Government and wrongful gain to the others nor any such misappropriation of the Government funds as levied by the



Authorities. There is no material on record to corroborate that the Petitioner has misappropriated the amount in dispute.

Learned counsel for the petitioner further submits that petitioner has followed every work order and bylaws laid down in the Border Area Development Programme (B.A.D.P.) Rules 2015 in accordance with law and under the supervision of Authorities. He further submits that petitioner never violated the conditions laid down under B.A.D.P. guidelines in conduction of training programmes under B.A.D.P. nor misappropriated the Government funds. He also submitted that the petitioner has abide all the rules and regulations and the petitioner was under duty to comply the rules and acted in accordance with land and in compliance of his superiors.

Learned APP for the State and Spl. P.P. for the Vigilance vehemently opposed the bail application submitting that a huge amount of Government funds has been misappropriated by the petitioner and other accused persons. He submits that petitioner, the then DPO of Motihari, without inviting Expression of Interest (EOI) from various training institutes and by abusing his official position, arbitrarily handed over the training in various trade to Motihari College of Engineering (MCE), Motihari, without following the financial rules enumerated in



para 11(d) of letter no. यो 03/B.A.D.P 21/2003 2063/ यो. बी.,
Patna dated 02.06.2014.

Learned Spl. PP for the Vigilance further submits that the petitioner made payment to the accused Akhileshwar Kumar Mishra, in different training programmes conducted by him without verifying the vouchers and the relevant papers of such training. He further submits that the petitioner in connivance with the other accused gave administrative release of funds well beyond his official jurisdiction. He further submits that the investigation is still going on and there is apprehension that the petitioner will influence the witnesses and tamper the evidence. He also submits that the anticipatory bail application of similar situated co-accused has been rejected by co-ordinate Bench of this Court.

Considering the facts and circumstances of the case and submissions made on behalf of the parties, I am not inclined to grant the petitioner the privilege of anticipatory bail, since specific allegation has been levelled against him that on the basis of the inquiry conducted by the Vigilance, a huge amount of Government funds has been misappropriated by the petitioner and also investigation is still going on and the investigation agency has raised apprehension that the petitioner will influence



the witnesses and tamper with the evidence.

Accordingly, the prayer for grant of anticipatory bail on behalf of the petitioner is rejected and this application is hereby dismissed.

(Anjani Kumar Sharan, J)

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