# IN THE HIGH COURT OF JUDICATURE AT PATNA
**CRIMINAL MISCELLANEOUS No.6687 of 2024**

Arising Out of PS. Case No.-81 Year-2017 Thana- VIGILANCE District- Patna

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Sourav Basu @ Saurav Basu Son of Late Adhir Kumar Basu @ Adhik Kumar Bose, R/o Flat no. 6/201, Shakti Kunj Apartment, Plot No. B-93, P.O. & P.S. - Gautam Buddha Nagar, Sector- 62, Noida, Distt. - Noida (U.P.).

... ... Petitioner

Versus

The State of Bihar through Vigilance Investigation Bureau, Vigilance Deptt., 6th Circular Road, Government of Bihar, Patna- 800001.

... ... Opposite Party

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**Appearance:**

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| For the Petitioner | : | Mr. Binod Kumar Singh, Advocate<br>Ms. Vagisha Pragya Vacaknavi, Advocate<br>Mr. Ankita Roy, Advocate |
| For the Opposite Party | : | Mr. Arvind Kumar, APP |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**

ORAL ORDER

4 27-03-2024 Heard Mr. Binod Kumar Singh, the learned counsel for the petitioner and Mr. Arvind Kumar, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 19.12.2023 in connection with Vigilance P.S. Case No. 81 of 2017, FIR dated 23.10.2017, registered for the offences punishable under Sections 406, 409, 420, 467, 468, 471, 477(A), 120(B) of the Indian Penal Code and under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

3. According to the prosecution case, the Bihar Mahadalit Vikash Mission has introduced a scheme for social, educational and economic development of scheduled caste and

scheduled tribe students. Under the welfare scheme, the persons from Scheduled Cast and Scheduled Tribe are to give computer training including holding examination and giving certificates. It transpires that serious financial irregularities have been committed by the officers and different players involved in carrying out the scheme. During investigation, it has surfaced that the petitioner was the Vice President of Sri Ram New Horizon and an agreement was entered into on 23.09.2011. As per the agreement, 3445 students were to be given training at the rate of Rs. 4081/- (rupees four thousand and eighty-one) per candidate and 70% of the said money was to be paid only after imparting training to the trainees. It has also been alleged that the company has given training to 3445 students but, the same was not verified and advance payment of Rs. 98,41,322/- (rupees ninety-eight lakhs forty-one thousand three hundred and twenty-two) was made at the rate of Rs. 4081/- (rupees four thousand and eighty-one) without verification of the trainees and all the training was to be completed within one year from the date of inception. The petitioner was representing the company, being Vice President, has signed the agreement for and on behalf of the company. However, when the information trickled out that there is heavy financial irregularities in carrying out the scheme, then a case was instituted and investigation was started. During investigation, it surfaced that huge money has been siphoned off as the students to whom the training was to be given were completely smoke-screened. In fact, the students were not given training nor any training materials were provided to them but, only the money has been distributed in their names.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and the present FIR has been instituted on 23.10.2017 on the basis of the written report of Deputy Superintendent of Police, Vigilance Investigation Bureau, Patna, thereafter, the matter was investigated. He further submits that in the present case, petitioner was only representing the company as the Vice President of the company and in that capacity he has put his signature in the agreement and various persons were involved in the execution of the scheme. He further submits that not a single penny has been credited in the account of the petitioner and neither the Managing Director nor the higher officials have been made accused in the present case and during the tenure of the petitioner only Rs. 10,00,000/- (Rupees ten lakhs) has been paid and thereafter, petitioner was transferred from Sri Ram New Horizon Ltd. (Hereinafter referred to as "SRNH") to New

Horizons Skills Development Limited vide order dated 15.04.2013 of Dr. Arvind Shukla, Executive Director and the petitioner had resigned from SRNH in December, 2013 and the present FIR has been instituted in 2017, after resignation of the petitioner from SRNH. Learned counsel for the petitioner further submits that bare perusal of the contract suggests that the period of contract ended on 17.10.2012, but it was carried on upto 2016, and the petitioner has already left the company in December, 2013 and he has no role at all in the present occurrence. The petitioner was given additional charge of Sri Ram Info Media from May, 2013 onwards and he was not involved on behalf of SRNH in any affair relating to the financial transaction involved in imparting training in Microsoft Office Trade in different Districts of Bihar. It appears from the FIR that co-accused Smt. Devjani Kar, State Project Officer, Bihar Mahadalit Vikas Mission (Hereinafter referred to as "BMVM"), who made a note on 30.09.2011 on the recommendation of the selection of the agency (SRNH) for imparting training of Microsoft Office Trade that Microsoft be requested to make examination of grant of certificates of such examination to the training, which was forwarded to Sri Ravi Manubhai Parmar, IAS, on which Sri Ravi Manubhai Parmar, IAS, granted approval on 01.10.2011, and it appears that the separate contract with IIIM Ltd. was entered and petitioner has no role at all with the present agreement in question. Learned counsel for the petitioner further submits that from perusal of the FIR and case diary it appears that there is absolutely no material available against the petitioner showing his involvement in the present occurrence and the prosecution did not require the interrogation of the petitioner and the present case is based upon the documentary evidence and charge-sheet has already been submitted and the main beneficiary of the amount is co-accused person namely, Sri Sarad Kumar Jha, Director, IIIM Ltd. and Sri K.P. Ramaiah, who was the Chief Executive Officer and Sri Sultanpet Munilakkappa Raju @ S.M. Raju, who was also the Chief Executive Officer. He further submits that co-accused person namely, Sri Sarad Kumar Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2018 passed in Cr. Misc. No. 49512 of 2018, co-accused person namely, Sri Sultanpet Munilakkappa Raju @ S.M. Raju has been granted bail by this Court vide order dated 25.05.2023 passed in Cr. Misc. No. 8625 of 2023 and another co-accused namely, Sri K.P. Ramaiah, who was the Chief Executive Officer has been granted bail vide order dated

08.05.2019 passed in Special Case No. 343 of 2017 by the learned Court below itself.

5. Learned counsel for the Vigilance Investigation Bureau on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the allegation against the petitioner is that on the basis of the documents submitted by the petitioner before the BMVM, his proposal was accepted and work order was issued to him by BMVM to impart three months training to the SC/ST youths in the Microsoft Office Trade, but during the investigation, it has come that the petitioner had submitted false and fabricated documents to the BMVM and falsely claimed in writing that he had presence in thirty-eight Districts and at the time of the agreement, the petitioner had only one fully equipped training facility available only at Patna for imparting training in the Microsoft Office Trade. The petitioner did not have fully equipped training facility in rest of thirty-seven Districts of Bihar at the time of agreement dated 18.10.2011. The petitioner, the then Vide President of SRNH had falsely annexed documents in the Expression of Interest (EoI)-III dated 22.09.2011, showing SRNH's presence in thirty-eight Districts in Bihar and the other prosecution witnesses have supported the case of the prosecution. The petitioner not only

executed a separate agreement between Ishan Technology Education and Training Institute Ltd. for imparting training to the BMVM trainees at fourteen Districts of Bihar, but has also reached a separate secret agreement with “Aparndeep” for imparting training at Gaya, Aurangabad, Nawada and Jehanabad. The petitioner, with criminal intent dishonestly induced the delinquent public servant of BMVM and inked a contract for the said training on the basis of the false written promises at a time of his executive agreement dated 18.10.2011. During his tenure as the Vice President of SRNH, the petitioner had concealed several facts from his company and also from BMVM. The petitioner had furnished in writing to the BMVM that SRNH has presence in all thirty-eight Districts of its own, which in the time of the annexing the said documents in the EoI, found to be false, but he intentionally did it for receiving the wrongful gains on the basis of the said deception caused to BMVM on the basis of the false and fabricated documents. The act of the petitioner lead to criminal misappropriation of the Government money to the tune of Rs. 51,78,381/- (rupees fifty-one lakhs seventy-eight thousand three hundred and eighty one) during his tenure in SRNH (upto 23.03.2013), whereas total money defalcated by SRNH amounts to Rs. 2,16,27,223/-

(rupees two crore sixteen lakhs twenty-seven thousand two hundred and twenty-three).

6. Having regard to the submission of the parties and the fact that charge-sheet has already been submitted and also the fact that the present case is based upon the documentary evidence, and the main beneficiary of the amount was so called Sri Sarad Kumar Jha, Director IIIM Ltd. and co-accused persons namely, Sri K.P. Ramaiah and Sri Sultanpet Munilakkappa Raju @ S.M. Raju have been granted bail in the present case and the petitioner is in judicial custody since 19.12.2023, having clean antecedent, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Vigilance)-I, Patna, in connection with **Vigilance P.S. Case No. 81 of 2017**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(iv) One of the bailors should be the person namely, Sunirmal Das, who is the uncle (*mama*) of the petitioner.

**(Rajesh Kumar Verma, J)**

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