

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6569 of 2024

Arising Out of PS. Case No.-78 Year-2017 Thana- SALAIYA District- Aurangabad

VIJAY KUMAR SON OF LATE HARDEV SINGH RESIDENT OF
VILLAGE - DURVEY, P.S. - CHANDAUTI, DISTRICT - GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH ECONOMIC OFFENCE UNIT,
BIHAR, PATNA
2. VIGILANCE, BIHAR, PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr.Adv. Mr. Sudhir Kumar Sinha, Adv. Ms. Diksha Kumari, Adv.
For the Opposite Party/s	:	Mr. Vishwanath Pd. Sinha, Sr.Adv. Mrs. Soni Shrivastava, Adv. Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-10-2024 Heard learned senior counsel for the petitioner and

learned senior counsel appearing on behalf of Economic

Offence Unit.

2. The petitioner seeks bail in Special Case No. 43(C)
of 2018, arising out of Salaiya (Aurangabad) P.S. Case No. 78
of 2017, registered for offence under Sections 409, 420 / 34 of
the Indian Penal Code and Section 13(2) read with Section 13(1)
(D) of the Prevention of Corruption Act.

3. This case has been instituted on the basis of written
report of Block Development Officer, Madanpur (Aurangabad)
alleging therein about misappropriation of huge amount of
government money by Head Master of the school, the then



Block Education Officer, the then District Welfare Officer and the then Branch Manager of Madhya Bihar Gramin Bank, Khiriyawan Branch (Aurangabad).

4. Learned counsel for the petitioner submits that neither the petitioner is named in the F.I.R. nor he has defalcated any government money and the inquiry committee has also not found hands of petitioner in defalcation of government money. Name of the petitioner surfaced on the basis of confessional statement of co-accused Pramod Kumar Chaudhary and Chandan Kumar Ranjan. At the relevant time, petitioner was posted as Scholarship Assistant in the office of District Welfare Office, Aurangabad and being Scholarship Assistant, he simply obeyed the order of the officers. Allegation of misappropriation of government fund is against other co-accused persons. Petitioner is in custody since 18.09.2023. Chargesheet has already been submitted.

5. However, learned senior counsel appearing on behalf of Economic Offence Unit vehemently opposes the bail petition and submits that this case relates to misappropriation of Rs. 2,86,00000/- meant for scholarship. At the relevant time, petitioner was posted as Scholarship Assistant and was entrusted with the work of receiving the letter of utility from schools of



the district, but the petitioner, without taking utility certificate from Primary School, Teka Bigha in connivance with other accused persons, allotted and transferred huge amount in the account of the aforesaid school.

6. Considering the period of custody and the fact that chargesheet has already been submitted, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Patna in connection with Special Case No. 43(C) of 2018, arising out of Salaiya (Aurangabad) P.S. Case No. 78 of 2017.

(Prabhat Kumar Singh, J)

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