

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35689 of 2016

Arising Out of PS. Case No.-49 Year-2010 Thana- C.B.I CASE District- Patna

Bhogendra Nath Jha, son of Late Tarakant Jha, resident of village – Awari,
P.S. - Saharghat, Dist. - Madhubani, the then Managing Director of Patliputra
Central Co-operative Bank Limited, at present posted as Joint Registrar, Co-
operative Society, Koshi Division, Saharsa, Bihar.

... .. Petitioner/s

Versus

The State of Bihar through Cabinet Vigilance Investigation Bureau, Bihar,
Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv. Mr. Pravin Kumar Sinha, Adv.
For the Vigilance Dept.	:	Mr. Arvind Kumar, Law Officer,

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

17 11-02-2025 Heard Mr. Sanjay Singh, learned senior counsel
appearing for the petitioner and Mr. Arvind Kumar, learned SPP
appearing for the Vigilance Department.

2. The instant petition has been filed under section
482 of the Code of Criminal Procedure (in short ‘Cr.P.C.’)
against the order dated 14.06.2016, whereby the court of learned
Special Judge, Vigilance, 1st, Patna rejected the petitioner’s
prayer for discharge in Special Case No. 32 of 2010 arising out
of Vigilance P.S. Case No. 49 of 2010.

3. Learned senior counsel for the petitioner submits
that the petitioner was not instrumental in any way in managing
the alleged work allotted in favour of M/s Nelito System Ltd.



nor he misused his position in the process of allocation of work to M/s Nelito System Ltd. In the alleged offences, the then Managing Director of Patliputra Central Co-operative Bank Limited, namely, Shri Abhay Jha brought and highlighted the name of this petitioner as being involved in the offences mainly due to vengeance and annoyance. The petitioner has been made accused on the mistaken facts. The learned trial court did not apply its judicial mind while deciding the petitioner's prayer under section 239 of the Cr.P.C. and the case of the prosecution is mainly based on suspicion and there is no convincing material to show the petitioner's culpabilities in the alleged irregularities and wrong and no illegality was committed in respect of computerization of the bank.

4. On the other hand, learned SPP appearing for the Vigilance Department submits that in the instant matter, firstly, one complaint petition bearing No. 14 of 2008 was filed by the complainant, namely, Abhay Jha, the then Managing Director, Patliputra Central Cooperative Bank Limited, Bihar, Patna, against the petitioner, the then Chairman of Patliputra Central Cooperative Bank Limited, Bihar, Patna and others in the Special Court of Vigilance, Patna and thereafter, a preliminary enquiry into the allegations was made following the order of the



vigilance court. In the enquiry, veracity of the allegations was found *prima facie* true against the petitioner and others and the enquiry report revealed that the petitioner in connivance and conspiracy with other delinquent public servants and M/s Nelito System Ltd. acted arbitrarily and abused his official position in contravention of the financial rules and regulations framed by the government in awarding the work contract for the computerization of branches of the Patliputra Central Co-operative Bank, without tender. Learned SPP further submits that in awarding the tender to M/s Nelito System Ltd., quotations were obtained only from seven companies by the petitioner and his other officials on the basis of their personal contacts and despite the quotation rate of M/s Nelito System Ltd being not the lowest, it was given the second chance to submit the revised rate and thereby violated the financial rules to give benefit to M/s Nelito System Ltd. and thereby caused a wrongful loss to the bank. Learned SPP further submits that the process of tendering for the computerization of twelve branches of Patliputra Central Co-operative Bank, Bihar Patna was carried out between 06.09.2006 and 02.08.2007 without adhering to the Bihar Financial Rules as the tenders were not published for this work and technical approval was also not



obtained and quotations were obtained only from seven companies based on personal contacts but comparative evaluation was prepared only for four companies including M/S Nelito System Ltd. and it is very surprising that the rate of M/S Nelito System Ltd. was higher than those of other companies but even then the work contract was awarded to it after getting a revised proposal from it which was completely wrong and against the Bihar Financial Rules. It is further submitted that the trial of the petitioner is at advance stage. The charge was framed upon the petitioner on 28.07.2016 and thereafter, several witnesses of the prosecution have been examined.

5. Heard both the sides and perused the relevant materials. In view of the serious irregularities committed in awarding the work of computerization of twelve branches of Patliputra Central Co-operative Bank, Bihar, Patna, as pointed out by learned SPP discussed above, this Court is of the opinion that the allegations levelled against the petitioner are not groundless and the defences taken by the petitioner are subject of trial upon which a proper conclusion can be made by the trial court itself after taking evidences of both the sides and the instant matter is based on documentary evidences which *prima facie* go against the petitioner and this Court finds no proper



explanation on the part of the petitioner in respect of the
aforesaid allegations. Accordingly, this Court finds no merit in
this petition and the order impugned was rightly passed. As
such, the instant petition stands dismissed.

(Shailendra Singh, J)

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