

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56251 of 2025

Arising Out of PS. Case No.-6 Year-2002 Thana- VIGILANCE District- Patna

Anil Kumar Dubey S/O Late Sharwan Kumar Dubey R/O Village- Ghoraghat,
Police Station- Dhobi, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through Vigilance Investigation Bureau, Bihar, Patna.
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjeet Kumar, Adv.
For the State	:	Mr. Bipin Kumar, APP
For the Vigilance	:	Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-09-2025 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in Vigilance P.S. Case No. 06 of 2002, registered for the offence under Sections 420, 465, 466, 468, 471, 408, 120B, 109 of the Indian Penal Code and Section 13(2) r/w 13(1)(d) of the P.C. Act, 1988.

3. The F.I.R. has been instituted on the basis of written report dated 17.08.2022 lodged by Indranand Mishra, the then Deputy Superintendent of Police, Vigilance, Patna alleging therein that co-accused S.M. Raju in the capacity of D.D.C., Gaya granted administrative approval to scheme of construction of building on the land of District Board, Gaya. It is further alleged that this administrative approval was granted



in factions and total work was divided in sixteen parts for the simple reason that the administrative approval and the supervision of the work remain within the control the D.D.C. It is also alleged that the work was assigned to a Junior Engineer and advance payments were made to him even without completion and submission of the running bills of the work. It is alleged that the royalty of the government materials have not been paid till today which is outstanding with the agency who did the work. There is also allegation that the work done is not up to mark and satisfaction and the fund has been misappropriated and converted to the personal use of the accused persons.

4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. Name of the petitioner surfaced during course of investigation. Only material, which has come against petitioner, is that while being posted as Assistant in the office of Zila Parishad, Gaya, he gave only noting in the sanction file and also retired from the service w.e.f. 28.02.2023. Learned counsel further submits that the State Government sanctioned project in the year 1988 for construction of an Office-cum-Shopping Complex on the vacant land of Gaya District Board. The proposed construction cost was



estimated in accordance with the rate fixed by the State Government in the year 1986. In the year 1988, the then Deputy Development Commissioner, Gaya, started the construction work of Office-Cum-Shopping complex and the amount of Rs. 7,06,569.00 was spent and the work was done up-to the plinth level in the year 1988 itself. Thereafter no work was done due to lack of fund. Co-accused S.M. Raju I.A.S. joined on the post of Deputy Development Commissioner, Gaya in the month of July 1996 and it was Co-accused S.M. Raju, who approached to the District Rural Development agency and District Urban Development Agency for grant of loan. After receiving the loan, the construction work was re-started and work was entrusted to Madan Prasad, Junior Engineer, Zila Parishad. Gaya by co-accused S.M.Raju. The petitioner was no where involved and had nothing to do with the construction work of Office-cum-shopping complex. The money was allotted by co-accused S.M.Raju to co-accused Madan Prasad Junior Engineer and he alone was Incharge of money and the construction of work. At no point of time, the petitioner was associated either with the construction work or sanction of fund. He has only put his noting in the file in the capacity of Assistant. The Technical Cell and Vigilance Cell also found that the construction work was



satisfactory. During investigation, petitioner was summoned by the Vigilance Department and petitioner also appeared and cooperated. As stated, petitioner has retired from service on 28.02.2023. Chargesheet has been submitted. Petitioner claims clean antecedent.

5. Learned counsel for the Vigilance Department opposes the prayer for anticipatory bail and submits that it was petitioner, who consented in the noting of concerned file and commented to release the second advance installment to co-accused Sri Madan Prasad.

6. Having considered the submissions made on behalf of parties and perused the materials available on record, I am of the opinion that this petitioner has only gave noting in the concerned file and no where involved in the alleged construction work or sanction of fund. He has only acted as per his job. Moreover, he has already retired from the service and bears clean antecedent. Chargesheet has already been submitted and petitioner cooperated during trial.

7. In the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner be enlarged 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. 20 of 2002, arising
out of Vigilance P.S. Case No. 06 of 2002, subject to condition
as laid down under Section 438(2) of the Cr.P.C. / Section
482(2) of the B.N.S.S.

(Prabhat Kumar Singh, J)

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