

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88298 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- VIGILANCE District- Patna

Shyam Kishore Ray S/O Jagdev Ray R/O Village- Gaura, P.S- Teghra,
District- Begusarai.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dudhnath Singh, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar , APP
For Vigilance	:	Mr. Arvind Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-02-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Special Case No. 21 of 2022 arising out of Vigilance Patna P.S. Case No. 34 of 2022 registered under Sections 406, 409, 420, 467, 468, 471, 120 (B) of the Indian Penal Code and Sections 13(2) read with Section 13 (1) (C) of Prevention of Corruption Act, 1988.

3 . It is alleged that petitioner who is proprietor of M/S S.S. Construction in connivance with other accused persons



embezzled the money amounting to Rs. 1,75,00,612/- in the construction against the Agreement No. 3F2/2005-06. It is further alleged that altogether 221 Items had to be constructed in respect to the said agreement in the year 2005-06 and 2006-07. But only 132 constructions were found available. It is also alleged that the payments against all 221 constructions were made to the tune of Rs. 11,32,14,276/- to the contractor.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is proprietor of M/S S.S. Consturction Balbhadrapur, Laheria Sarai, Darbhanga who entered into an agreement with Executive Engineer WKC Deivision Keoti, Darbhanga vide agreement No. 3F2 of 2005 – 06 dated 07.01.2006 Water Resources Department and earth work. As per the agreement estimated cost of work is Rs. 10,12,76,801/- and date of completion of work is 31.03.2007 for which worked order was issued on 07.01.2006 and total number of item of work tendered for 47 only . The entire work under contract has been executed by the petitioner's firm namely M/S S.S. Construction with sincerity and successfully for which completion certificated was issued on 30.04.2006 by Executive Engineer Western Koshi Canal Division Keoti, Darbhanga .

5 . It is further submitted that after lapse of 15 years, an



enquiry was setup for spot verification and some construction was not found on spot and accordingly report was submitted and only on the basis of presumption , this petitioner has been made accused in this case after lapse of more than 15 years. There is no specific allegation against this petitioner.

6. Learned counsel appearing on behalf of the Vigilance has vehemently opposed the prayer for bail of the petitioner by contending that petitioner is proprietor of the executing agency and as per agreement 221 structure was proposed to be constructed under Koshi West Canal Division but on enquiry only 132 structures were constructed and 89 structures were not found at the place of proposed site . It is further submitted that during enquiry , he has been repeatedly notified by the Investigating Officer to appear for the purpose of recording his defense statement. Notices were sent to the verified address of the petitioner but he did not appear before the Investigating Officer and petitioner has wilfully failed to appear and has demonstrated no inclination to cooperate with the investigation . Petitioner is also accused in two other criminal cases.

7. Having heard the parties and considered the accusation of the petitioner, criminal antecedents of the petitioner, non co-operation during investigation and other



circumstances of the case , his prayer for pre -arrest bail is
hereby rejected.

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

