

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83177 of 2025

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

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Sri Arun Kumar Chourasia @ Pappu Chourasia @ Ram Naresh Chourasia @
Ram Naresh Sharma S/o Sri Kanhaiya Lal Chourasia R/o Ward no. 40,
Ahilyabai Road, Vishunpad Road, Near Kamakhya Temple Chand Choura,
P.S.- Vishunpad, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Director General Vigilance Investigation Bureau Patna Bihar
2. Superintendent of Police, Cabinet Vigilance Deptt., Bihar, Vigilance Investigation Bureau, 6 Circular road, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate
For the Vigilance : Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner and learned
counsel for the vigilance.

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, 409, 120B and 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 and the only material which has come against petitioner is that he worked as a mediator in execution of the work in question. 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 alleged offence and construction work. Moreover, charge-sheet has already been submitted and the only material that has come against this petitioner is that he was very close to co-accused S.M. Raju and he acted as a mediator in the said work. Save and except the same, there is no material on record to show the complicity of this petitioner in the alleged offence. Petitioner



claims clean antecedent.

5. Learned counsel for the Vigilance Department opposes the prayer for anticipatory bail and submits that name of petitioner transpired in this case during course of investigation and it has come that this petitioner, being close to co-accused S.M. Raju, the then D.D.C.-cum-C.E.O., District Council Gaya, worked as a mediator and worked in a criminal conspiracy, with ulterior motive and misappropriated the government fund allocated for construction of market-cum-office complex.

6. Having considered the submissions made on behalf of parties, from perusal of the materials available on record, fact that petitioner is only alleged to be mediator and fact that charge-sheet has already been submitted and there is no allegation of tampering with the evidence or absconding against the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

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 Sections 482(2) of the B.N.S.S., with following conditions:

- “(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the learned trial court and shall remain physically present, as directed by the learned trial court and on his absence on two consecutive dates, without sufficient reason, his bail-bond shall be cancelled by the learned trial court.
- (2) 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.”

(Prabhat Kumar Singh, J)

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