

Pushpendra Kumar Sinha Vs. the State of Jharkhand Through Vigilance Bureau

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Court : Jharkhand

Decided On : Jul-23-2013

Appellant : Pushpendra Kumar Sinha

Respondent : The State of Jharkhand Through Vigilance Bureau

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI A. B.A. No. 1467 of 2013
Pushpendra Kumar SinhaPetitioner Vs. The State of Jharkhand through
Vigilance BureauOpposite party CORAM: HON'BLE MR. JUSTICE
PRASHANT KUMAR For the Petitioner: Mr. Sujit Narayan Prasad For the
Vigilance: Mr. Nilesh Kumar 5/23.07.2013: Anticipatory bail application filed by
petitioner Pushpendra Kumar Sinha in connection with Vigilance P.S. Case No. 02
of 2011 (giving rise to Special Case No. 02 of 2011) pending in the court of
learned Special Judge, Vigilance, Ranchi is moved by Sri Sujit Narayan Prasad
and opposed by Sri Nilesh Kumar, learned Additional P.P. It appears that M/S.
RPCL was given the work of APDRP project under Package-D at Jamshedpur
vide NIT # 186/PR/JSEB/03. It further appears that within time stipulated, the
contractor had not completed the work. Thus, the JSEB vide Resolution No. 401,
extended the work of the contractor with a condition that if during the extended
period, contractor will not complete the work, a late defaulter fine will be imposed
upon it. It further appears that contractor had not completed the work during the

extended period. Therefore, the Chairman JSEB moved a proposal for cancellation of contract of RPCL. It further appears that in spite of aforesaid direction/ decision of Chairman, petitioner gave a proposal for appointment of Arbitrator, for waiver of penalty and for extension of period of work relating to NIT # 186/PR/JSEB/03, in the light of advice of Advocate General, Jharkhand. But from perusal of advice of Advocate General, Jharkhand, which has been annexed as Annexure-6 to this anticipatory bail application, it appears that the same relates to construction of :- (a) 132/33KV Grid Sub-Station, Dumka (b) 132 KV D/C Deoghar-Dumka Transmission Line. (c) 132 KV S/C Dumka Pakur Transmission Line or D/C towers. (d) Construction of two nos. 132 KV bays at Degohar Grid Sub Station for 132 KV Deoghar-Dumka Line. Thus, it is clear that the advice of Advocate General has not been obtained in relation to NIT # 186/PR/JSEB/03. Thus the said advice has no application with respect to aforesaid NIT. From perusal of noting of petitioner at page 108 of the bail application, it is clear that petitioner tried to mislead his superior officers by saying that there was an advice of Advocate General, for appointment of Arbitrator, waiver of penalty and extension of work order. It is alleged that because of the connivance of the petitioner as well as other officers including the -2- Finance Controller, an excess amount, to the tune of Rs. 9.05,87,073/-, has been paid to the contractor, though he has not completed the work. Thus, by the act of the petitioner and other co-accused huge pecuniary loss caused to the JSEB. Under the said circumstance, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his anticipatory bail application rejected. (Prashant Kumar,J.) Sharda/-

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