

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22699 of 2015

Arising Out of PS.Case No. -71 Year- 2008 Thana -CHARIABARIYARPUR District-
BEGUSARAI

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1. Shambhu Prasad Singh Son of Sri Jay Ram Singh Resident of village -
Panchyat No. 1, Chothaiya Tola, P.S. Cheriya - Bariyarpur, District -
Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Ramakant Sharma(L/O(I.C.Vig))

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 09-10-2015 Heard the learned counsel for the petitioner as well as

the learned counsel for the Vigilance.

The petitioner seeks bail in a case for the offences punishable under sections 409, 420, 467, 468 and 471 read with section 34 of the I.P.C and section 7/13 of Prevention of Corruption Act.

Allegedly, 70 non- loanee cultivators were insured in Manjhaul No. 2 by Begusarai Kendriya Sahkarita Adhikosh Limited in the year 2004-2005 and its premium was paid by the Bank, out of that after deducting the premium amount the rest was credited in SBLP account of 70 members. The amount was withdrawn from the account of 70 members in suspicious manner

and the petitioner has certified their signatures, but several members informed with affidavit that they did not sign against payment of the amount nor they have got any payment and further seven members were found dead but the payment was also shown in their names.

Submission is of false implication and that the petitioner being the Manager in the PACKS has verified the signatures at the instance of Branch Manager and the Branch Manager and the Assistant Accountant have been allowed pre-arrest bail and the petitioner is suffering in custody since 17.02.2015 as is evident from the impugned order having no criminal antecedent and as such has been sufficiently penalized. The petitioner has performed his duty in accordance with law as per the proposal of the Samittee.

Learned counsel for the Vigilance opposes prayer for bail by submitting that it was the petitioner at whose instance the payment was made and he has verified the signatures.

In the facts and circumstances as stated above, considering the period of detention now the petitioner is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance-II, Patna in Special

(Vigilance) Case No. 06 of 2010, arising out of Chariabariyarpur P.S. Case No. 71 of 2008, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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