

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34706 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana -C.B.I CASE District- PATNA

Nagendra Prasad Tiwary, son of Late Ram Das Tiwary, retired Additional Secretary, General Administration Department, Govt. of Bihar, Patna presently resident of Mohalla- Gautam Nagar (Jai Guru Kutir), Janta Road, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar through the Superintendent of Police, Vigilance, Investigation Bureau

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Opposite Party/s : Mr. Ramakant Sharma L.O.Ic.(Vigi.)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

7 03-09-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Special Case No.34 of 2014 arising out of Vigilance P.S. Case No. 20 of 2014 registered for the offences punishable under sections 420, 467, 468, 471, 477 of the Indian Penal Code and 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

The FIR relates to certain irregularities committed in keeping the original applications in safe custody of 25 successful candidates of Secretariat Assistant Examination 1993.

It is contended that the offence relates to the period intervening between 1993 and 2005. The petitioner was posted at



the relevant time as Sectional Officer. He retired from service on attaining the age of superannuation on 28.02.2013. His entire service record was unblemished. After he retired from service, on a vague and omnibus allegation an FIR has been registered in which it has been alleged that at the relevant time the documents were in the custody of the petitioner whereas the fact of the matter is that at the relevant time he was posted in a different Section.

Learned counsel for the Vigilance has opposed the prayer for bail. He has submitted that the FIR was registered pursuant to an order passed by a Division Bench of this Court while hearing a Letters Patent Appeal. He has further submitted that it was the petitioner and co-accused Ram Kishun Rai, who were responsible for the safe custody of the applications of the successful candidates in which certain manipulations were made.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Specialo Judge, Vigilance 1st, Patna in connection with Special Case No. 34 opf 2014 arising out of Vigilance P.S. Case No. 20 of 2014

subject to the following conditions :-

- (a) The petitioner shall not influence the witnesses or tamper with any document;
- (b) At the time of furnishing the sureties, the petitioner shall furnish his address to the Court and shall not change his address till the final disposal of the case or till further orders in that regard;
- (c) The petitioner shall not leave the limits of India without prior permission of the trial Court;
- (d) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
- (e) The petitioner shall not do any act prejudicial to the interest of the prosecution;
- (f) The petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court;

and

- (g) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail.

(Ashwani Kumar Singh, J)

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