

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33686 of 2015

Arising Out of PS.Case No. -39 Year- 2013 Thana -C.B.I CASE District- PATNA

Nikhil Ranjan Kumar

.... Petitioner/s

Versus

The State of Bihar Through Vigilance, Bihar, Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the then Panchayat Mukhiya is apprehending arrest in a case registered for the offences punishable under Sections 409, 420, 467, 468, 471 and 120B of the Indian Penal Code and Sections 7, 10, 13(2) read with Sections 13(1)(d) of the Prevention of Corruption Act.

One Kailash Yadav filed a petition on the basis of which the Vigilance Investigation Bureau conducted an enquiry. During enquiry, it was found that the Panchayat Representatives including Panchayat Mukhiya and P.D.S. dealers committed irregularity in distribution of food grains and Kerosene oil to persons below the poverty line being red and yellow card holders. The coupons were issued against the dead persons and resident of different block and thereby deprived actual beneficiaries. Moreover, the card holders

were not supplied grains and kerosene oil.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general and moreover, the State Government in the year 2013 specifically directed that the distribution of ration card will be made only by the government officials. The ration card will not be entrusted to the Panchayat representatives and considering the nature of accusation, PDS dealer and Panchayat Secretary have been granted anticipatory bail vide Cr. Misc. nos. 16832 of 2015 and 24300 of 2015.

Considering the general nature of accusation with regard to irregularity, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Vigilance) North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 39 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner will be accepted on filing affidavit by the petitioner before the learned court below to the effect that he will regularly co-operate in the investigation if the investigation has not already concluded. The non-co-operation

of the petitioner in the investigation will give liberty to the prosecution to file an application for cancellation of the bail of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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