

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41454 of 2015**

Arising out of PS.Case No. -11 Year- 2014 Thana -C.B.I CASE District- PATNA

Mihir Kumar, Son of Late Manvendra Mohan, Resident of C/o Ram Kaleshwar Singh, Mohalla- Shankar Nagar Khabra, P.S.- Kaji Mohammadpur, District Muzaffarpur, At present posted as Lower Division Clerk, Miner Irrigation Division, Hazipur (Vaishali).

.... .... Petitioner

Versus

1. The State of Bihar.
2. The State of Bihar, through the State Vigilance Department.

.... .... Opposite Parties

**Appearance :**

For the Petitioner : Mr.  
For the Opposite Parties : Mr.

**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**  
**ORAL ORDER**

2 15-10-2015 Heard learned counsel for the  
petitioner and the State.

Petitioner at the relevant time served as Clerk in the Minor Irrigation Department, Begusarai, is apprehending his arrest in connection with Special Case No. 29/2014, arising out of Vigilance P.S. Case No. 11 of 2014, pending in the court of Special Judge for Vigilance Cases, Vigilance-II, Patna, registered for the offence under Sections 409, 420 and 120(B) of the Penal Code, Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. It is submitted on his



behalf that he only acted in the light of the instruction of his superior Executive Engineer and put up the file on the basis of which auction of rusted materials was held. It is submitted on behalf of the petitioner that Executive Engineer, Minor Irrigation Department on whose instruction he put up the file has already been allowed privilege of bail in the event of arrest.

Let petitioner, named above, surrender in the court below within four weeks from the date of receipt/production of a copy of this order in the court below, thereafter he be also given the same privilege which has been allowed to his superior Executive Engineer on whose instruction he is said to have acted and put up the file.

**(V.N. Sinha, J)**

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