

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39182 of 2014**

Arising Out of PS.Case No. -39 Year- 2008 Thana -C.B.I CASE District- PATNA

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Tulshwar Yadav, son of late Deolal Yadav, resident of village-Kazichak,  
Police Station-Magadh University, Bodh Gaya, District-Gaya.

.... .... Petitioner/s

Versus

The State of Bihar through Vigilance, Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, Senior Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL ORDER**

3 09-07-2015

The allegation against the petitioner is that he is one of the persons, who is responsible for misappropriation of Rs.31,00,000/- in the Civil Supplies Department, in his capacity as dealer. He figured as accused in Vigilance P.S. Case No.39 of 2008, giving rise to Special Case No.27A of 2008.

It is represented that almost all the persons, who figured as accused in that case, have been granted anticipatory bail. Anticipatory bail application filed by the petitioner before the Court of Special Judge, Vigilance-I, Patna was rejected on 18.12.2009. Hence, this application under Section 438 Cr. P.C.

Heard Sri Binay Kumar, learned counsel for the petitioner and Sri Ramakant Sharma, learned senior counsel for the Vigilance Department.

The allegation at the initial stage was no doubt

grave. The record, however, discloses that the dealers and other persons involved have deposited almost the entire amount, and hardly there is any resistance from the department for grant of anticipatory bail. The very fact that the petitioner was not arrested for about five years, even when there was no orders in his favour, discloses that the department is not treating the case serious at this stage.

Hence, the application is ordered. In the event of arrest, the petitioner is directed to be released on anticipatory bail on furnishing the bail-bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna, in connection with Special Case No.27A of 2008 arising out of Vigilance P.S. Case No.39 of 2008, subject to the conditions as laid down under Section 438(2) Cr. P.C.

**(L. Narasimha Reddy, CJ)**

Sunil/-

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