

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26909 of 2014

Arising Out of PS.Case No. -25 Year- 2013 Thana -VIGILANCE CASE District- PATNA

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Girish Kumar, son of Late Rajendra Prasad Singh, Motor Vehicle Inspector, Darbhanga, permanent resident of Village-Jai Shiv Bigha, P.S.- Parwalpur, District-Nalanda, at present Mohalla-Boring Road, Flat No.202, Basudeo Bihar Apartment, P.S.- Budha Colony, District-Patna.

.... Petitioner/s

Versus

The State of Bihar (through Vigilance Department)

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Rajendra Prasad, Sr. Advocate
Mr. Ritesh Kumar, Advocate

For the Vigilance : Mr. Ramakant Sharma L.O.I.C.(Vigilance)
Mr. Santosh Pandey, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

17 01-12-2015 Heard learned counsel for the petitioner and the learned Senior Counsel appearing on behalf of the Vigilance Department.

The petitioner is apprehending his arrest in connection with Special Case No.27 of 2013, Vigilance Case No.25 of 2013, for allegedly having committed the offence under Sections 13(1)(e) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that though several adjournment have been taken by the Vigilance for bringing on record the charge sheet, the same has not been done till date. He further submits that earlier this Court after hearing both the sides had been pleased to extend the interim protection in favour



of the petitioner in connection with the present case on 7.4.2015 itself. Thereafter, the petitioner has not abused the privilege in any manner and is willing to co-operate with the investigation and will present himself before the Special Judge, Vigilance- I, Patna, as and when it is so required. He further submits that he shall make himself available for receiving the police paper as soon as he is called upon by the Vigilance Department in the matter. It is further submitted that the petitioner shall co-operate in the trial, which shall ensue and shall not abstain from making his appearance on two consecutive dates without any reasonable cause.

Learned Senior Counsel appearing on behalf of the Vigilance Department submits that though charge sheet has not been submitted against the petitioner till date, there are serious allegations against him and several aspects of the investigation are yet to be completed. He further submits that since the matter is of serious nature, the petitioner may be directed to present himself before the court as and when required.

Considering the aforementioned facts and circumstances, the earlier order passed by this Court and also the nature of allegations, this Court feels that the interim protection extended in favour of the petitioner may be converted into an

order of grant of anticipatory bail. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance 1st, Patna, in connection with Special Case No.27 of 2013, Vigilance Case No.25 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the aforementioned directions passed by this Court are not adhered to by the petitioner and/or the petitioner fails to abide by the same, it shall be open to the Vigilance Department to make an application for cancellation of bail.

(Anjana Mishra, J)

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