

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43383 of 2015

Arising Out of PS.Case No. -75 Year- 2015 Thana -MANIYARI District- MUZAFFARPUR

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1. Balkrishna Mishra @ Babloo Kumar Mishra, S/O Munnu Mishra, R/O Vill.- Katari, P.S.- Cholapur, Distt.- Varanasi (Uttar Pardesh), presently residing at J.K.M. Infra Project Ltd., N.H. 28, P.S.- Maniyari, Distt.- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Department of Vigilance, Government of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ravindra Kumar, Adv.

Mr. Pramod Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2015 Heard learned counsel for the petitioner and learned counsel for the Vigilance.

The petitioner seeks pre-arrest bail in connection with Maniari P.S. Case No. 75 of 2015 registered under Sections 420 read with 34 of the Indian Penal Code and Sections 8 and 9 of the Prevention of Corruption Act, 1988.

It is contended that the petitioner is employed as Project Manager in JKM Infra Project Ltd. and used to supervise the work of Arvind Kumar at Toll Plaza being constructed by the Company. Being superior to Arvind Kumar, the petitioner used to provide cash to him for various purposes including wages of labourers, supply of materials and other miscellaneous items. The

further contention is that the petitioner never sent any envelope, as claimed, to Maniyari Police Station. It is further contended that the offences punishable under Sections 8 and 9 of the Prevention of Corruption Act, 1988 would not be applicable to the facts of the present case.

On the other hand, learned counsel for the Vigilance has opposed the prayer for bail of the petitioner. He has submitted that the matter is under investigation and the allegations are serious in nature.

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 six 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 Special Judge, Vigilance (North Bihar), Muzaffarpur in connection with Special Case No. 11 of 2015 arising out of Maniari P.S. Case No. 75 of 2015, 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;
- (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;
- (h) One of the sureties must be a Government servant/elected people's representative of Panchayat/ Municipality; and the other one shall be a close relative.

(Ashwani Kumar Singh, J)

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