

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12676 of 2015

Arising Out of PS.Case No. -3 Year- 2010 Thana -C.B.I CASE District- PATNA

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1. Dhananjay Kumar @ Dhananjay Kumar Giri S/o Shashi Bhushan Giri
R/o- 305, Patliputra Colony, P.s. - Patliputra Colony District- Patna.
..... Petitioner/s

Versus

1. The State of Bihar Through Cabinet Vigilance Department, Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey

For the Opposite Party/s : Mr. Ramakant Sharma (Law Off. Vig)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 26-08-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

By way of filing an application under section 438 of
the Code of Criminal Procedure, the petitioner seeks anticipatory
bail in connection with Vigilance P.S. Case No. 03 of 2010
registered for the offences punishable under sections 109, 167,
420, 406, 120-B of the Indian Penal Code and Section 12 (1) (B)
(C) (D) (i) (ii) of Prevention of Corruption Act, 1988.

It has been contended that the allegation of duping
the candidates and their money is not correct. Out of 68
candidates, only one person complained, while two candidates
dropped out due to illness of their relatives. The genuineness of
the trust and its fair functioning can be gathered from the fact that
those candidates who could not complete their training due to
excessive heat, as training was being conducted in the month of

June, were refunded their balance amount.

It is further contended that from perusal of the bank account of the trust, it would be evident that the money collected from the candidates neither have been mis-utilized /misappropriated nor the vigilance has found any such fact and made out any case.

On the other hand, learned counsel for the vigilance has opposed the prayer for anticipatory bail. He has further submitted that several innocent candidates have been cheated by the Non Governmental Organization of which the petitioner is one of the trustee.

Regard being had to the nature of the offence and the defence taken by the petitioner, 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 learned Special Judge, Vigilance 1st Patna in connection with Vigilance P.S. Case No. 03 of 2010 giving rise to Spl. Case No. 02 of 2010, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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