

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17481 of 2015

Arising Out of PS.Case No. -62 Year- 1995 Thana -C.B.I CASE District- PATNA

1. Syed Kazim Hussain Son of Late Dr. Asgar Hussain, Resident of - A-98, Road No. A-12, Alinagar, P.S. - Gardanibagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through Vigilance

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Khurshid Alam

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

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 01-07-2015 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Vigilance.

The petitioner apprehends his arrest in Vigilance P.S. Case No.62 of 1995 corresponding to Special Case No.40 of 1995 under sections 409, 420, 468, 471, 120B, 109 IPC and section 13(2) read with section 13(1) (c) and (d) of Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that while the petitioner was serving as Superintending Engineer in P.W.D. he was sent on deputation to Horticulture department where the aforesaid case was lodged against him. He further submits that some of the accused were granted bail in the instant case.

It appears that the prayer for anticipatory bail of the



petitioner was earlier rejected by this court by order dated 2.4.1996 passed in Cr. Misc. No.2354 of 1996. Thereafter, the petitioner moved the Hon'ble Apex Court against the order of rejection of anticipatory bail by this Court which too finally was dismissed. Thereafter, the petitioner again moved this Court for grant of anticipatory bail vide Criminal Misc. No.9643 of 2010 which was rejected by this court by order dated 2.4.2010 with a direction that if the petitioner surrender and pray for regular bail, the same would be disposed of preferably on the same day on its own merit and also taking into consideration that the petitioner is a heart patient.

Considering the facts and circumstances of the case, I am not inclined to interfere with the earlier order dated 2.4.2010 passed by this court in Cr. Misc. No.9643 of 2010. The prayer for anticipatory bail of the petitioner is rejected. The petitioner should surrender and pray for regular bail, which would be considered on its own merit without prejudice.

(Samarendra Pratap Singh, J)

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