

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22585 of 2015

Arising Out of PS.Case No. -74 Year- 2009 Thana -C.B.I CASE District- PATNA

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1. Ravindra Prasad son of Sri Pawhari Prasad Resident of village- shekh Parsa, P.s Manjhogarh, District Gopalganj. the than Officer-in-charge pusa Police station- District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through The Vigilance Bureau of Investigation

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar

For the Opposite Party/s : Mr. Ramakant Sharma(L/O(I.C.Vig))

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

6 30-10-2015 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the Vigilance.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 166/167/120(B) of the Indian Penal Code and Section 13(2) read with Section 13(1)(A)(D) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the petitioner is a responsible Government servant having unblemished service record. He further submits that the only allegation that can be carved out against this petitioner, is of delay in release of the vehicle of one Devendra Rai whose vehicle had been seized by the Motor Vehicle Inspector and despite orders of the Court, the same

was not being released by him as the said Devendra Rai failed to grease his palms. Further allegation against the petitioner as submitted is that even after the orders passed by this Court in a writ application to release that vehicle, the petitioner asked for gratification of rupees twenty thousand to do so.

Learned counsel appearing on behalf of the Vigilance after perusal of the case diary submits that on several occasions, the said Devendra Rai had approached this petitioner for release of his vehicle but he had declined to do the same unless and until, he was paid some gratification against release of the said vehicle.

However, in response thereto, learned counsel for the petitioner submits that in fact, it was the said Devendra Rai who was evading his arrest in connection with another P.S. Case for which reason, he had himself not appeared in Thana to collect his vehicle and that the petitioner had issued several letters (Annexure-7 series) calling upon the said Devendra Rai to come and collect his vehicle.

Be that as it may, these issues can well be resolved by the Court below with directions at present that till the allegations are tested, since the petitioner is functioning as Officer-in-Charge presently at Jhanjharpur Police Station, as and when his personal appearance shall be required, he shall present

himself and co-operate in the investigation and the trial which ensues thereafter.

Learned counsel for the petitioner further submits that since he is discharging his official duties, there is no question of evading his arrest and, therefore, he may be extended the privilege of anticipatory bail.

Considering the aforementioned facts and circumstances of the case, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Special Judge, Vigilance, North Bihar, Muzaffarpur (in Special Case No. 26 of 2009) in connection with Patna Vigilance P.S. Case No. 74 of 2009 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that if the petitioner absents himself in the Court below on two consecutive dates without any reasonable cause, it shall be open to the prosecution to take appropriate legal recourse including moving this court for modification/cancellation of the order.

(Anjana Mishra, J)

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