

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48049 of 2014

Arising Out of PS.Case No. -58 Year- 2014 Thana -C.B.I CASE District- PATNA

1. Yogendra Kamkar S/o Sri Bhuletan Kamkar
2. Brij Kumar Pandey S/o Late Jagarnath Pandey
..... Petitioner/s

Versus

1. State of Bihar
2. The Vigilance Dept, Government of Bihar, Patna.
..... Opposite Party/s

with

Criminal Miscellaneous No.48453 of 2014

Arising Out of PS.Case No. -58 Year- 2014 Thana -C.B.I CASE District- PATNA

1. Rajesh Rai S/o Vishwanath Rai Suplier Prop. Shubham Electronics,
Simari, P.S. Smmari, District Buxar.

..... Petitioner/s

Versus

1. The State of Bihar through Its Vigilance Bihar, Patna.
..... Opposite Party/s

Appearance :

- (In Cr.Misc. No.48049 of 2014)
For the Petitioner/s : Mr. Jitendra Kumar Roy
For the Opposite Party/s : Mr. Ram Anurag Singh(APP)
(In Cr.Misc. No.48453 of 2014)
For the Petitioner/s : Mr. Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr. Binod Kumar -III(APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 23-04-2015 Both the cases seeking anticipatory bail arise out of

Special Case No. 62 of 2014 which, in turn, arises out of Vigilance

PS case No. 58 of 2014 and have, therefore, been heard together

and are being disposed of by the present common order.

The petitioners seek anticipatory bail as they

apprehend their arrest in connection with the said case instituted for the offences punishable under sections 420, 409, 467, 468, 471, 477, 120(B) of the IPC and Sections 13 (2) read with 13(1)(D) of the Prevention of Corruption Act, 1988.

Petitioner No.1 of Cr. Misc. No. 48049 of 2014 was the Mukhiya of Chaungai Gram Panchayat under the district of Buxar whereas petitioner No.2 was the Panchayat Secretary of the said Gram Panchayat. Petitioner of Cr. Misc. No. 48453/2014 is supplier of Solar Light System installed in the village Chaungai.

Allegedly, the Mukhiya and Panchayat Secretary allowed the Solar Light Systems to be supplied without inviting quotations and purchased the Solar Light Systems on higher price.

Learned counsel for the petitioners has submitted that there is no allegation that Solar Light Systems were not installed. He has submitted that subsequently in the year 2010 the State Government has issued guidelines for purchase of Solar Light Systems to be installed in the Panchayats but such guidelines were not available when the present systems were purchased by the Mukhiya and Panchayat Secretary of the said Gram Panchayat in the year 2008-09. Learned counsel for the petitioners further submits that there is no chance that the petitioners shall flee away from the course of trial.

In view of submissions, as above, the petitioners, above named, in the event of their arrest/ surrender within a period of six weeks from today shall 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 I, Patna in connection with Special case No. 62/2014 arising out of Vigilance Patna PS case No. 58 of 2014, subject to condition as laid down u/s 438(2) of the Code of Criminal Procedure with further condition that the petitioners shall co-operate with the police in investigation and present themselves before the police and the court below as and when required. If the investigating agency finds that petitioners are not co-operating in investigation, they will be at liberty to approach this court for cancellation of bail bonds granted to the petitioners by virtue of the present order.

These applications are allowed, accordingly.

(Chakradhari Sharan Singh, J)

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