

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26880 of 2015

Arising Out of PS.Case No. -61 Year- 2013 Thana -C.B.I CASE District- PATNA

1. Arun Kumar Choudhary, S/o Late Krishna Krishore Choudhary, resident of Taralahi P.S.-Bahadurpur, District-Darbhanga, partner AGS Medical System, Nageshwar Colony, P.S.-Buddha Colony, Dist.- Patna

.... Petitioner/s

Versus

1. The State of Bihar through D.G. Vigilance

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 15-12-2015

Heard learned Counsel for the petitioner and learned

Counsel appearing on behalf of the Vigilance Department.

The petitioner, Arun Kumar Choudhary is apprehending his arrest in connection with Vigilance P.S. Case No. 61 of 2013, registered for the offences punishable under sections 406 and 120(B) of the Indian Penal Code and Section-13(2) read with Section – 13(i) (d) of Prevention of Corruption Act, 1988.

Learned Counsel for the petitioner submits that general and omnibus allegations have been leveled against the petitioner stating that he had supplied medical equipment and had participated in the tender, though, he was not authorized to do so as he was not a C&F agent or a registered machine manufacturer,

which was contrary to the terms for supply of such machines to the hospitals. It is submitted that the petitioner in collusion with the Superintendent, PMCH, Patna got his tender issued in his favour for supply of said machines and also got his bills encashed as a consequence thereof.

Learned Counsel appearing on behalf of the Vigilance Department submits that this is a case in which there are serious irregularities and that the petitioner may not be extended interim measure as he in collusion with the top authorities of the PMCH had indulged in irregular practices.

It appears that this Court while considering the cases of other similarly situated persons including some drug manufacturers has extended the benefit of interim relief in their favour. The matter has been under deep investigation and in the present case also, the petitioner being similarly situated may be extended the same benefit as the charge-sheet has also been submitted in his case.

Considering the fact that this Court has extended the benefit of anticipatory bail to other similarly situated persons namely, 1. Dr. Ganesh Prasad Singh; 2. Dr. Vinod Kumar Singh; 3.Om Prakash Pandey; 4.Smt. Vidya Devi; 5. Umesh Sharma; 6. Sunil Kumar Gupta; 7. Dr. Om Prakash Choudhary; 8. Raghunath



Saran; 9. Bishundeo Prasad; 10. Nand Kishore Prasad; 11. Raj Kumar; 12. Umesh Kumar; 13. Debasis Maiti; 14. Anand Bihari, vide order dated 21.09.2015, in Criminal Miscellaneous No. 1177 of 2014 and analogous cases, let the petitioner Arun Kumar Choudhary in the event of his arrest or surrender before the court below 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/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Special Judge, Vigilance 1, Patna in connection with Vigilance P.S. Case No. 61 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. It is made clear that all the terms and conditions as incorporated in the order dated 21.09.2015 passed in Cr. Misc. No. 1177 of 2014 and analogous cases shall hold good in respect of the present case also, which are quoted hereunder:-

- (i) The petitioners may be directed to accept the police papers since they are made ready and available by the department.
- (ii) The petitioners have agreed upon the said condition of the Vigilance department.
- (iii) The petitioners must appear before the Vigilance court

on each and every date and that they shall be exposing themselves to the displeasure of the Court if they absent themselves from the same on two consecutive dates without any valid reason. Learned counsels for the petitioners have also agreed upon the said condition.

(Anjana Mishra, J)

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