

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23185 of 2015

Arising Out of PS.Case No. -34 Year- 2015 Thana -PALASI District- ARRARIA

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Surendra Nath Kashyap Son of late Narsingh Nath Kashyap resident of
Village- Kharahia Basti, P.s Araria, District Araria.

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 05-10-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 120B, 406, 420, 467, 468 and 471 of the Indian Penal Code and sections 13 & 15 of the Prevention of Corruption Act, this Court by taking into account that whatever allegations have been found to be substantiated against the petitioner, at best, would amount to extending a helping hand to the Junior Engineer in course of making the entries in the measurement book and the admitted position, it was the Junior Engineer, who ultimately used to sign such entries in the measurement book as also having regard to the old age of the petitioner, being 68 years of age, who had retired from the post of Executive Engineer in the year 2004, would be inclined to grant privilege of anticipatory bail to him keeping also in view that he has got no criminal antecedent.



That being so, if the petitioner namely, Surendra Nath Kashyap, surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance II, Patna in connection with Special Case No 04 of 2015 arising out of Palasi P.S.Case No. 34 of 2015; subject to the following conditions:

- (i) The petitioner however, shall co-operate with the investigating agency and would appear before the investigating officer to explain his part of story as and when required by the investigating agency.
- (ii) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (iii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of



similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.

(v) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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