

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36539 of 2015

Arising Out of PS.Case No. -57 Year- 2009 Thana -C.B.I CASE District- PATNA

1. Mithilesh Kishore Son of Late Nawal Kishore resident of Flat No. 302, Subh Aprajita Apartment, Near Palm View Hospital, Police Station - Rajiv Nagar, in the town and District of Patna

.... Petitioner/s

Versus

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

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 21-12-2015 Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the Vigilance.

The petitioner being Junior Engineer is apprehending his arrest in connection with Vigilance P.S. Case No. 57 of 2009, registered for offences punishable under Sections 467, 468, 471, 477A, 420, 409 and 120-B of the Indian Penal Code and under Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act 1988.

Earlier diary in vigilance P.S. Case No. 57 of 2009 had been called for from the court of Special Judge Vigilance-1, Patna and interim protection has been extended in favour of the petitioner. Learned Counsel for the petitioner submits that the entire allegation is with regard to irregularities for the period



2002-06. However, for the implementation of certain schemes, petitioner was only posted there till 19.01.2004 and, therefore, he cannot be saddled with the responsibilities and liabilities for the period after 19.01.2004. He further submits that the petitioner having cooperated in the investigation, charge-sheet has now been submitted vide Charge-Sheet No. 107 of 2014, dated 16.12.2014. He further submits that in certain paragraphs of the case dairy, it has come on record that there are no cogent materials available against him.

Learned Counsel for the Vigilance Department, however, submits that there being enough material, charge-sheet has also been submitted against the petitioner and the case is now ready for trial.

However, considering the facts and circumstances and that the petitioner had been extended an interim protection, which he had not misused, let the petitioner above named, 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 bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance 1st Patna in connection with Vigilance P.S. Case No. 57 of 2009, subject to

the conditions as laid down under Section 438(2) of the Cr.P.C.

It is further made clear that the petitioner shall make himself available for receiving the papers in connection with aforementioned case and that he shall at all material times, cooperate with the trial so that the trial is not prejudiced in any manner. If, however, the petitioner fails to appear in the court below either personally or through his counsel for two consecutive dates without any reasonable cause, it shall be open to the Vigilance Department to take appropriate action in accordance with law.

With aforementioned directions, the petition is disposed of.

(Anjana Mishra, J)

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