

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1129 of 2015

Arising Out of PS.Case No. -47 Year- 2012 Thana -C.B.I CASE District- PATNA

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Shambhu Narayan Karan Son of Late Mahathi Lal Das Resident of
Mohalla-Chaprasa Tola,Khagra,P.S-Kishanganj,Distt.-Kishanganj

.... Petitioner/s

Versus

The State of Bihar through the Vigilance Investigation Bureau, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Adv.
Mr. Radha Mohan Singh, Adv.
Mr. Praveen Kumar, Adv.
For the Veg. : Mr. Rama Kant Sharma(L.O,I/C VIG.)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-09-2015 Heard learned counsel for the parties.

The petitioner, apprehending his arrest for offence under Section 7 and 13(2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988 and Section 409 and 120(B) of the Indian Penal Code, has come out with a defence that the co-accused Revenue Karamcharis, namely, Deep Narayan Yadav, Arun Kumar Pandey, Ram Chandra Rai, Subhash Chandra Deo and Sanjay Kumar Poddar have already been granted privilege of anticipatory bail and, therefore, the petitioner would also be entitled for the same relief specially when he has got no criminal antecedent.

This case was adjourned earlier to facilitate Mr.



Ramakant Sharma, learned senior counsel for the Vigilance Department, to examine the Case Diary and find out as to whether there is any difference between the case of the petitioner and the aforesaid Revenue Karamcharis. He however frankly admits that the case of the petitioner is more or less similar to the aforesaid co-accused Revenue Karamcharis.

That being so, this Court would be inclined to now grant anticipatory bail to the petitioner, namely, Shambhu Narayan Karan as well and if he 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance-II, Patna in connection with Special Case No. 20 of 2012 (arising out of Vigilance P.S. Case No. 47 of 2012), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative 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.

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- (ii) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.
- (iii) That the affidavit shall clearly state that the petitioner is not an 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 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)

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