

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32446 of 2013

Arising Out of PS. Case No. -32 Year- 2012 Thana -C.B.I CASE District- MUZAFFARPUR

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Sudhir Kumar, S/o Sri Baidnath Prasad Singh, Resident of Village Tengraha, P.S. Meenapur, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar through the Superintendent of Police Vigilance Department, Bihar, Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate

: Mr. Rabindra Kumar, AC to Vigilance L/o

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

8 02-09-2015

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case under Section 420 and other allied sections of the Indian Penal Code and Section 7/13(1)(d) read with 13(2) of the Prevention of Corruption Act.

The F.I.R. was instituted on the allegation that there was irregularity in purchase of solar lights, construction of 50 lavatories for the schools, construction of P.C.C. roads and construction of water tank and laying of pipes for supply of water. Furthermore, as per the prosecution case for a sum of Rs.78 lakhs and odd was released by the Government by way of first installment and further a sum of Rs.62 lakhs and odd was given for executing the remaining works.



The petitioner submits that the opposite party do not dispute that the work worth Rs.78 lakh was already completed. With respect to remaining works, the petitioner submits that the same has also been completed. He submits that initially the work could not be completed, as there were some objections and obstacles by the villagers. He submits that earlier the Town Dy.S.P. in its enquiry report stated that the allegations are false.

The petitioner submits that in fact he donated 20 decimals of land in the name of the Governor of Bihar for water tank. He submits that after assessment whatever amount is legally due, he is willing to pay the same. He submits that he has never misused the privilege of provisional bail.

Learned Senior counsel for the Vigilance submits that all the accused persons including the petitioner in league with each other misappropriated the Government money while purchasing substandard solar lamps and constructing substandard laboratories.

Having regard to the facts and circumstances of the case and also taking into consideration that the Town Dy. S. P. has doubted the allegation, I am inclined to confirm the provisional bail granted to the petitioner vide order dated 09.10.2013. The petitioner would co-operate in the investigation.

Let this order be communicated to the court of

Special Judge, Vigilance (North Bihar), Muzaffarpur in Special
Case No. 17 of 2012, arising out of Vigilance P.S. Case No. 32 of
2012.

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(Samarendra Pratap Singh, J.)