

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23953 of 2016

Arising Out of PS.Case No. -87 Year- 2015 Thana -C.B.I CASE District- PATNA

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Vijay Kumar Mishra, son of late Jai Nandan Mishra, Resident of Village Madarpur, Police Station Hazipur Sadar, District Vaishali, at present Rajsua Karmchari, Anchal Bidupur, District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar through State Vigilance Department Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-05-2016

Heard learned counsel for the petitioner and learned senior counsel appearing on behalf of the Vigilance.

The petitioner seeks bail in a criminal prosecution registered under Sections 7, 8 and 13(2) read with Section 13(1)(d) of The Prevention of Corruption Act, 1988.

The petitioner, besides others, is named in the FIR vide Annexure-1 as an accused and he is alleged to have received an amount of Rs.9,000/- as bribe for mutation of the lands in question, but, as per the prosecution case itself, the money was recovered from co-accused Upendra Mani Tiwari; taking into consideration the aforesaid aspect and also taking into consideration the fact that co-accused Upendra Mani Tiwari and co-accused Ashok Singh, who are also named in the FIR vide Annexure-1, have been granted bail by a co-ordinate Bench of this Court vide orders dated 02.02.2016 and 01.02.2016 passed in Cr.Misc.No.3100 of 2016 and Cr.Misc.No.2925 of 2016 respectively, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like

amount each to the satisfaction of the learned Special Vigilance Judge, North Bihar, Muzaffarpur in connection with Special Case No.37 of 2015 arising out of Vigilance P. S. Case No.87 of 2015, subject to the conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Let the web-copies of the aforesaid orders dated 01.02.2016 and 02.02.2016 produced by the learned counsel for the petitioner be kept on the record.

Arvind/-

(Birendra Prasad Verma, J)

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