

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33758 of 2016

Arising out of P.S. Case No. - 109 Year - 2015 Thana - C.B.I CASE District - PATNA

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Sunil Kumar, Son of Late Ram Babu Singh, Resident of Village - Kalyan
Bigha, P.S. Harnauth, District - Nalanda

.... Petitioner

Versus

The State of Bihar through the Superintendent of Police, Vigilance Dept.
Vigilance Investigation Bureau, Patna.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Syed Mojibur Rahman, Advocate

For the Opposite Party : Mr. Rama Kant Sharma (L.O, I/C Vigil.)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-11-2016 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

This application for anticipatory bail arises out of

Vigilance P.S. Case No. 109 of 2015, disclosing offences under

Sections 420, 467, 468, 477(A), 192, 201, 120B of the Indian

Penal Code and Section 13(2) read with Section 13(1) (d) of the

Prevention of Corruption Act.

The petitioner is the Panchayat Sachiv of Eksara

Gram Panchayat in the district of Nalanda. Allegation against the

accused persons including the present petitioner relates to

tampering with the records of selection process for engagement of

Panchayat teachers.

Learned counsel for the petitioner has submitted that

the petitioner was elected Panchayat Sachiv and in the counselling



fixed for the appointment of Panchayat Teacher for the 2nd phase i.e. on 27.01.2009 he did not participate as he was on strike for some demand and returned on 09.02.2009 and the appointed process was completed by putting his forged signature. It has been submitted that since the allegations are based on documents, there is no chance of petitioner tampering with the evidence or fleeing from the course of investigation. Learned counsel for the petitioner gives an undertaking on his behalf that he will present himself before the police as and when required for the purpose of investigation and will appear before the Court, if so advised, at the stage of framing of charge or trial.

Learned counsel for the Vigilance has vehemently opposed the prayer for bail.

Considering the nature of allegation and the submissions advanced, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within a period of four weeks from today in the Court below, 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 the learned Special Judge, Vigilance Ist, Patna in connection with Vigilance P.S. Case No. 109 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal

Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Birendra Kumar, J.)

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