

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51196 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -C.B.I CASE District- PATNA

1. Upendra Kumar Vibhuti son of Late Rambriksh Sao, Resident of Tulsi Gali, P.S.- Rajgir, Dist.- Nalanda
2. Anil Kumar, son of Late Sukhdeo Mahto, Resident of Panditpur, P.S. Rajgir, District- Nalanda

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Patna

.... Opposite Party/s

Appearance:

For the Petitioner/s : Dr. Anand Kumar, Advocate.

For the Opposite Party/s : Mr. Ramakant Sharma (Law Off. Vigilance)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 25-01-2016

Heard learned counsel for the petitioners and learned

A.P.P. representing the State.

The petitioners seek bail in connection with Vigilance P.S. Case No. 55 of 2015 (Special Case No. 35/2015) registered for the offences punishable under Sections 409, 320, 467, 468, 471 and 120B of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

Allegedly the petitioners being contractors in collusion and conspiracy with other co-accused got settled Rajgir Malmas Fair in their names for an amount of Rs. 1,13,50,000/- though the secured tender amount was Rs. 1,78,37,650/- and further without permission allowed theatre to run and did not

deposit the balance amount.

Submission is of false implication due to political rivalry; the petitioners are contractors and they got the settlement in open bid as Six Flags Fair & Parks Private Ltd., Patna was not agreed to deposit 50% of the amount and then it was settled to the petitioners legally; the petitioners have deposited all the due liabilities even after the adverse situation as both were implicated in a murder case and, as such, there being no intention to defalcate the government revenue, the petitioners deserve sympathetic consideration as they are in custody since 21.09.2015.

Learned Spl. P.P. for the Vigilance fairly submits that the petitioners have deposited all the due liabilities.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance I, Patna in connection with Vigilance P.S. Case No. 55 of 2015 (Special Case No. 35/2015), subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial

and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from the privilege of bail.

Dilip/-

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(Jitendra Mohan Sharma, J)