

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20846 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -C.B.I CASE District- PATNA

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Siyasharan Sharma @ Siyaram Sharma, Son of Late Chamari Sharma,
resident of village- Eksara, P.S.- Ben, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through Superintendent of Police-cum-Officer Incharge Vigilance Investigation Bureau, Bihar, Patna
2. The Superintendent of Police-cum-Officer Incharge Vigilance Investigation Bureau, Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Yugal Kishor, Sr. Advocate
Mr. Sanjay Kumar, Advocate
For the Vigilance : Mr. Santosh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-08-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the Vigilance.

The petitioner is apprehending his arrest in connection with Special Case No.65 of 2015, arising out of Vigilance P.S. Case No.109 of 2015, registered for the offence under Sections 420, 467, 468, 471, 477A, 192, 201/120B of the Indian Penal Code and Section 13(2) read with Section 13(i)(d) of the Prevention of Corruption Act, 1988.

It is submitted by the learned counsel for the petitioner that the petitioner is apprehending his arrest on the basis of an inquiry conducted after this Hon'ble Court had



given specific directions to inquire into the illegal appointments of Panchayat Teachers. Learned counsel for the petitioner submits that the petitioner was Mukhiya of Eksara Gram Panchayat between the period June, 2006 and June, 2011. The petitioner was taken into custody for other political reasons in the year 2010. After his release from custody, the petitioner came to know that certain illegal appointments of Panchayat Teachers have been made after forging his signature during his absence. Such Teachers then came before this Court for release of their salary, but the petitioner filed another case before this Court wherein direction has been issued to the Vigilance for conducting an in-depth inquiry into the illegal appointments and as such, the relief sought for by the petitioner stood redressed in the writ petition. However, an inquiry conducted at his behest has now turned out to be against him and the Vigilance has also named him as one of the accused and on account of which the petitioner is apprehending his arrest.

Learned counsel for the petitioner submits that a similarly situated co-accused, namely, Ram Naresh @ Ram Naresh Pandit, has been extended the privilege of anticipatory bail by a Bench of this Court, vide order dated 09.05.2016



passed in Cr.Misc. No.18931 of 2016. Learned counsel further submits that the petitioner had no role to play and all appointments were made behind his back by forging his signature, which is the subject-matter of the Vigilance case. Learned counsel for the petitioner further submits that the petitioner is ready to give an undertaking that as and when required, he shall present himself before the vigilance court/police for further inquiry and shall not abstain himself on two consecutive dates without there being any reasonable cause and without the liberty of the court.

In view of the aforementioned facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance 1st, Patna, in connection with Special Case No.65 of 2015, arising out of 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 and also 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.

(Anjana Mishra, J)

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