

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28601 of 2016

Arising Out of PS.Case No. -137 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

1. Vijay @ Vijay Kumar Singh son of Vishundeo Singh R/o village -
Dharhara, P.S. - Dharhara, District - Munger.
2. Krishna Prasad Sharma son of Late Girilal Sharma R/o village -
Khirodharpur, P.S. - Dharhara, District - Munger.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.33285 of 2016

Arising Out of PS.Case No. -137 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

Aditya Kumar Son of Sri Ram Baran Prasad Resident of New Area,
Krishnapuri At P.O. and P.S.- Nawada, District- Nawada

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.28601 of 2016)

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Anish Chandra

(In Cr.Misc. No.33285 of 2016)

For the Petitioner/s : Mr. Alok Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 30-09-2016 Since both the cases arise out of Durgawati P.S. Case
No.137 of 2016, they have been heard together and are being
disposed of by this common order.

Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered under Sections 341, 342, 166, 379, 384, 386, 389, 506/34 of the Indian Penal Code and Section 65(b) (c) of the Bihar Excise Act.

Learned counsel appearing in Cr. Misc. No.33285 of 2016 points out that I.A. No.1978 of 2016 has been filed on behalf of the petitioner to bring this fact on the record that subsequently, Section 7/13 (1) (d) of the Prevention of Corruption Act has also been added in the present case and now, the case is pending in the court of Special Judge, Vigilance-1, Patna.

Petitioners in Cr. Misc. No.28601 of 2016 are SAIF Guards whereas petitioner in Cr. Misc. No.33285 of 2016 is Excise Sub-Inspector and according to the prosecution case itself on the alleged date of occurrence, they were working under the control of co-accused Chandradev Prasad, who happens to be Excise Sub-Inspector.

No doubt, there is allegation against the petitioner in Cr. Misc. No.33285 of 2016 that he along with two others pressurized the informant to cough up the money but the first information report goes to show that it was Chandradev Prasad, who took money from the informant. Moreover, having more or less similar allegation, co-accused Arun Kumar has already been

granted privilege of bail by a Co-ordinate Bench of this Court vide order dated 6.9.2016 passed in Cr. Misc. No.29864 of 2016.

So far as petitioners in Cr. Misc. No.28601 of 2016 are concerned, they are said to have accompanied the informant and others up to Kaimur at Bhabuha and, therefore, even if the aforesaid allegation assumed to be true, then also, they were duty bound to comply with the order of the superior.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance-1, Patna in connection with Special Case No.42 of 2016 arising out of Durgawati P.S. Case No.137 of 2016.

Accordingly, I.A. No.1978 of 2016 stands disposed of.

(Hemant Kumar Srivastava, J)

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