

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42883 of 2015

Arising Out of PS.Case No. -186 Year- 1993 Thana -KISHANGANJ District- KISANGANJ

1. Prem Kumar S/o Ghanshyam Prasad, Resident of Village - Dalsagar,P.S.
- Beur, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar Through Vigilance

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 19-02-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Vigilance.

The petitioner is apprehending his arrest in connection with Special Vigilance Case No. 07 of 1994 arising out of Kishanganj P.S. Case No. 186 of 1993 for offences punishable under Sections 467, 468, 471, 419, 420/34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Earlier a report was also called for from the Vigilance at Patna, which has been submitted stating therein that Special Case No. 7 of 1994 arising out of Kishanganj P.S. Case No. 186 of 1993 is proceeding against three accused persons, out of which two

accused persons, namely, Gopal Prasad Singh and Anandi Shah, surrendered in the Court below and the petitioner, Prem Kumar has not yet been arrested and investigation against him is still in progress and is pending submission of charge-sheet.

Learned counsel for the petitioner submits that the petitioner has no role to play in the alleged fraud, as the petitioner all along was working in his office at Kishanganj and till the date of his retirement, there was not even a whisper of his implication in the present case.

It appears from the record that on 10.11.2009, itself processes under Sections 82 and 83 had already been issued against the petitioner as well as one Anandi Shah, who chose to surrender in the Court below and, therefore, the said submissions of the learned counsel for the petitioner that the petitioner was not aware of the fact of his involvement in the present case, appears to be misconceived. It also appears that the warrants which were earlier issued could not be served on them as wrong addresses had been given thereon.

Taking into consideration all the facts and circumstances of the case and that save and except the petitioner, two other co accused have already surrendered in the Court below but the petitioner failed to do so. Since the investigation is still in progress

against the petitioner for reasons best known to the Vigilance and also since the petitioner has availed enough liberties by evading the processes of the Court, this Court does not feel it to be a fit case for grant of further liberties to the petitioner as the matter has to reach its logical conclusion. As such I am not inclined to grant the anticipatory bail to the petitioner. It is accordingly rejected.

(Anjana Mishra, J)

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