

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41685 of 2015

Arising Out of PS.Case No. -109 Year- 2014 Thana -SHEOHAR District- SHEOHAR

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Swami Nath Manjhi @ Shwami Nath Manjhi @ Shawami Nath Manjhi,
Son of Bashawan Nath Manjhi, R/o- Village- Laheji Tola, P/S-M.H. Nagar,
HASanpura District- Siwan, the District Planning Officer, Sheohar, P/s-
Sheohar, District- Sheohar.

.... Petitioner

Versus

The State of Bihar through the Vigilance Deptt. Bihar, Patna.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Kedar Singh, AC to Law Officer Vig.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

4 08-03-2016 Heard parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 323, 379 of the Indian Penal Code and Section 7 of the Prevention of Corruption Act.

As per the allegation, the petitioner demanded 5% commission for execution of the concerned scheme from the informant, who happens to be the representative of the local M.L.A.

It is contended on behalf of the petitioner that out of 100 schemes earmarked for the concerned local M.L.A. on priority basis, 44 have already been sent to the concerned M.L.A. for approval, 24 have already been executed and remaining schemes



could not be executed either due to non-approval of the District Selection Committee or for want of verification regarding availability of the land. The concerned scheme was pending for verification regarding availability of land. It is contended that this had irked the representative of the M.L.A. It is further contended that it is surprising as to how the contractor immediately followed the informant and why he had visited immediately after him as there is allegation that the said contractor has saved him from being assaulted. Learned counsel submits that there is nothing against the petitioner except the allegation that he demanded commission.

Learned counsel appearing for the Vigilance Department has submitted that the petitioner has demanded 5% commission as has been stated by Bablu Khan also, who is a contractor but he has unable to answer as to why the contractor followed the informant to the residence of the petitioner. He has further unable to show from the case diary that regarding concerned scheme, land availability report was already available and even then the petitioner had not executed the scheme.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Swami Nath Manjhi @ Shwami Nath Manjhi @ Shawami Nath Manjhi be released on bail in the

event of his arrest/surrender before the court below within a period of six weeks from today in connection with Special Case No.47/2014 arising out of Sheohar P.S. Case No.109/2014, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance (North Bihar), Muzaffarpur subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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