

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48529 of 2015

Arising Out of PS.Case No. -7 Year- 2000 Thana -C.B.I CASE District- PATNA

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Dhirendra Jha, S/o Late Shyam Sundar Jha, resident of village - Andha Tharhi, P.S.- Andha Tharhi, District - Madhubani

.... Petitioner/s

Versus

State of Bihar through the Vigilance Bureau, Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Santosh Kumar Pandey,
A.C. to Mr. Ramakant Sharma(L.O.,I/C Vig.)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 03-05-2016 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.94 of 2002 (arising out of Vigilance P.S. Case No.7/2000) registered under Sections 409, 420, 465, 467, 468, 471, 477A, 120B, 109 and 201 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the only allegation against the petitioner is that he had permitted sale of 997 bags of sugar, which were dispatched from the Sugar Mill at his instance and under his permission. Learned counsel for the petitioner further submits that such dispatches



were made only after the petitioner had received instructions from the General Manager of Lauriya Sugar Mill and he being subordinate was bound to obey the directions of his superior authorities. Learned counsel further submits that in due course and on inquiry, it came to be known that such letters issued to him for dispatch of sugar were, in fact, forged and fabricated documents and instructions issued to him are also sham instructions made by vested interests. The petitioner is thus facing prosecution. Learned counsel for the petitioner submits that allegation is of the year 1990 for which F.I.R. has been drawn against the petitioner in the year 2000, i.e., after lapse of ten years. Cognizance of the offence was taken on 23.7.2014 and the petitioner has been chargesheeted for the same.

Learned counsel appearing on behalf of the Vigilance after deep perusal of the case diary submits that the petitioner's role in the alleged offence cannot be sidetracked as there is sufficient material in the case diary so as to point finger at the petitioner for his alleged act of defalcation of money of the Sugar Mill.

Be that as it may, the petitioner has already retired from service. Chargesheet has also been submitted in the case. The petitioner undertakes that as and when required, he shall



present himself before the Vigilance Court so that the trial of the case is not jeopardized in any manner. He further submits that at all material times during the course of investigation, he has co-operated with the investigation and no records are available with him now which the petitioner could tamper with or lead to any destruction of evidence. In the wake of such circumstances, the petitioner prays that he, being an old man, may be extended the privilege of anticipatory bail.

Having heard learned counsel for the parties and on consideration of all the 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, North Bihar, Muzaffarpur, in connection with Special Case No.94 of 2002 (arising out of Vigilance P.S. Case No.7/2000), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner abstains to present himself before the court below on any two successive

dates without any valid or reasonable cause, it shall be open for the prosecution to take appropriate steps in accordance with law, including moving this Court for cancellation/modification of this order. It is also made clear that one of the bailors of the petitioner shall be a close relative, who shall keep the court apprise of the movement of the petitioner from one place to another.

(Anjana Mishra, J)

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