

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53551 of 2015

Arising Out of PS.Case No. -163 Year- 2009 Thana -CHHATAPUR District- SUPAUL

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1. Binod Mehta Son of Sri Laxman Mehta, Resident of Village - Jhit Kiyahi, P.S. - Pipra Bazaar, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 02-03-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 419/420/409/34 of the Indian Penal Code and Sections 7/8/13(2) read with Section 13(1) of the Prevention of Corruption Act.

Diary in this case was called for earlier which has since been received. However, it is submitted by learned counsel for the Vigilance that parts of the same are still wanting.

Learned counsel for the petitioner submits that originally on the written application of the Circle Officer, Chhatapur, 33 persons were made accused under sections 419/420/409 and 34 of the Indian Penal Code but later on Section 7/8/13(2) read with 13(1)(d) of the Prevention of Corruption Act was also added. The



name of the present petitioner did not figure of the said F.I.R. Subsequently, during the course of investigation, the petitioner also came to be made an accused. Accordingly, the petitioner was placed under suspension and was transferred to Sub-division, Birpur by the order of the Collector, Supaul. The petitioner was proceeded against departmentally and in the departmental proceeding, the Enquiry Officer submitted with regard to the petitioner that no charge was found to have been proved against him. In the light of the report submitted by the Sub-divisional officer, Triveniganj, his suspension order was revoked on interference by this Court in a writ application before this Court. He further submits that the present petitioner has been continuously functioning and performing his duties in his office to the satisfaction of all concerned. He submits that as and when required, he shall make himself available in the Court of Vigilance so as to facilitate the progress of the trial and co-operate in the same so that it reaches its logical conclusion.

Learned counsel appearing on behalf of the Vigilance submits that the charges against the petitioner are still pervasive and the matter was investigated and presently the chargesheet with regard to the present case has been submitted. It is submitted that the petitioner must present himself for receiving the police papers

and he must co-operate in the trial so as to facilitate the conclusion of the proceedings.

Considering the entire gamut of circumstances and also the fact that the petitioner has been continuously working in his official capacity and has been performing his duty and is also willing and ready to co-operate in the trial and present himself as and when required, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Special Judge Vigilance-II, Patna in connection with Special Case No. 04/2011 (Arising out of Chhatapur P.S. Case No. 163/2009) subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that if the petitioner does not present himself in the Vigilance Court on two consecutive dates without any reasonable cause, it shall be open to the Court below to take necessary steps and proceed in accordance with law.

(Anjana Mishra, J)

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