

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44544 of 2016

Arising Out of PS.Case No. -287 Year- 2010 Thana -BIHPUR District- BHAGALPUR

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1. Pankaj Kumar @ Pankaj Prakash son of Late Radha Krishna Prasad resident of village Bhikhanpur, P.S. Ishakchak, District Bhagalpur.
 2. Niharkant Jha @ Nihar Jha son of Sri Srikant Jha, resident of village Bhikhanpur, P.S. Ishakchak, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance Department, Patna Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,I/C Vig.)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 05-10-2016

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Pankaj Kumar @ Pankaj Prakash and Niharkant Jha @ Nihar Jha, in connection with Bihpur Police Station Case No. 287 of 2010, under Sections 7/13(i)/13(ii)d of the Prevention of Corruption Act, 1988 and after *charge sheet* Section 3(2)VII SC/ST (Prevention of Atrocities) Act was added.

Perused the above application and materials on record.

Heard Mr. Shivendra Kumar Sinha, learned Counsel for the petitioners, and Mr. Ramakant Sharma, learned Counsel, appearing on behalf of Vigilance.

In view of the fact that the accused above-named have been in custody since 09.08.2016 in connection with the case aforementioned and though *charge sheet* has been submitted and

perusal of the materials available on record does not reveal such incriminating materials, which would warrant further detention of the accused-petitioners in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioners' liberty on bail would adversely affect their trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties each, each of the like amount, subject to the satisfaction of the learned Special Judge, Vigilance-II, Patna, in connection with Special Case No.23 of 2010, arising out of Bihpur Police Station Case No. 287 of 2010.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari,CJ)

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