

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.799 of 2016

Arising Out of PS.Case No. -158 Year- 2009 Thana -CHHATAPUR District- SUPAUL

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Md. Kalimuddin son of Abdul Shakur, resident of village + P.O.-
Singiawar, P.S.- Kishanpur, District- Supaul

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Vigilance : Mr. Santosh Kumar Pandey, AC to Law
Officer, Vigilance

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

7 12-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Special Case No.3 of 2011 arising out of Chhatapur P.S. Case No.
158 of 2009 registered under Sections 419, 420, 409/34 of the
Indian Penal Code and under Sections 7, 8, 13(2) and 13(1)(d) of
the Prevention of Corruption Act.

It is contended that the petitioner is innocent and he has
been implicated in the case during investigation without there being
any cogent reason. It is also contended that one of the co-accused,
namely, Binod Mehta, who is similarly situated to that of the
petitioner has already been granted pre-arrest bail vide order dated
23.3.2011 passed in Cr. Misc. No.4659 of 2011.

Learned counsel for the Vigilance has opposed the
application and has contended that the case of petitioner is

distinguishable from the case of co-accused Binod Mehta. The co-accused Binod Mehta was granted pre-arrest bail during the stage of investigation whereas the petitioner has filed his application after submission of charge-sheet. He has further contended that during investigation it has transpired that one cheque book containing ten cheque leaves was handed over to the petitioner while he was posted as a Panchayat Secretary in Chhatapur Block and by misusing those cheques the petitioner has illegally withdrawn huge amount.

Regard being had to the materials collected against the petitioner during investigation, the application for pre-arrest bail is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

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