

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5999 of 2016

Arising Out of PS.Case No. -8 Year- 2005 Thana -C.B.I CASE District- PATNA

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Mukteshwar Prasad, son of late Durga Prasad, resident of Durga Bhavan,
South Police Line Road Rampur, Gaya, PO & P.S.- Gaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Superintendent of Police, Cabinet (Vigilance) Department,
Investigation Bureau, 6- Circular Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey

For the Opposite Party/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 04-03-2016

The present application has been filed for quashing the order dated 04.09.2015 passed by learned Special Judge, Vigilance-Ist, Patna in Special Case No. 11 of 2005 arising out of Vigilance Case No. 08 of 2005 registered for the offences punishable under Sections 406, 409, 420, 465, 467, 468, 471, 477A, 109, 201, 120B of the Indian Penal Code and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, whereby the petitioner's application, for going to United Kingdom for heart surgery, has been rejected.

It is submitted by learned counsel for the petitioner that the petitioner has to undergo heart surgery in United Kingdom where the son and daughter-in-law of the petitioner

reside. This is not in dispute that the trial has still not commenced. The petitioner seeks permission to go to United Kingdom for a period of four months.

Learned Senior counsel for the Vigilance submits that he has no objection to the prayer of petitioner provided the deponent Mr. Govind Narayan Akhaury, retired Divisional Commissioner, Darbhanga, who is Samadhi of the petitioner, who has sworn the affidavit of the present petition before this Court, should swear the affidavit of the petition being filed on behalf of the petitioner before the learned court below.

Counsel for the petitioner submits that above named Mr. Govind Narayan Akhaury will swear the affidavit of the petition to be filed before the learned court below.

In view of the stand of the parties, the order dated 04.09.2015 passed by learned Special Judge, Vigilance-Ist, Patna in Special Case No. 11 of 2005 arising out of Vigilance Case No. 08 of 2005 is, hereby, quashed.

Let the petitioner file an appropriate application before the learned court below annexing the copy of his passport with a prayer for permission to go to United Kingdom with detail address and telephone numbers of place where he will reside in United Kingdom which includes the address of his son

and daughter-in-law.

Let the learned court below pass an appropriate order permitting the petitioner for a period of four months from today to go to United Kingdom for heart surgery on filing of adequate surety with stipulation that the petitioner on return within a period of four months will immediately file an affidavit annexing the Xerox copy of his passport and immigration along with details of heart surgery documents. It is expected from the learned court below to make whole exercise within a period of ten days of receipt of the order.

It is expected from the learned counsel for the petitioner to file appropriate application before the learned court below on 10th March, 2016.

Accordingly, this application is allowed.

(Dinesh Kumar Singh, J)

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