

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13207 of 2016

Arising Out of PS.Case No. -74 Year- 2014 Thana -KOTWALI District- MUNGER

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Kumar Rabi Shankar, s/o Bhairaw Thakur, Permanent resident of village-
Rahmaniya fort, P.S. Kasim Bazar, Dist. Munger, at present posted as Sub
Inspector, Excise Department, Bhagalpur, Distt.- Bhagalpur

.... Petitioner/s

Versus

The Cabinet Vigilance Department Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Uday Kumar, Advocate
For the EOU : Mr. V.N.P. Sinha, Sr. Advocate
Ms. Soni Shrivastava, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 20-05-2016 Heard Mr. N.K. Agrawal, learned Senior Counsel

appearing for the petitioner and Mr. V.N.P. Sinha, learned

Senior Counsel appearing on behalf of the Economic Offences

Unit (E.O.U.).

The petitioner is apprehending his arrest in
connection with Special Case No.37A/2014 arising out of
Kotwali (Munger) P.S. Case No.74 of 2014 registered for the
offences under Sections 406, 409, 420, 467, 468, 471, 120B of
the Indian Penal Code, Sections 7, 12, 13, 14 of the Prevention
of Corruption Act and Sections 65, 66(ii), 72 of the I.T. Act,
2000.

Mr. N.K. Agrawal, learned Senior Counsel



appearing for the petitioner submits that the entire allegation against the petitioner is misconceived and the petitioner after having verified the records had placed his initials on the treasury Challan, which was subsequently manipulated. He further submits that being a responsible Government servant, the petitioner is willing and ready to co-operate in the investigation and shall make himself available at all material times to support the investigation. It is further submitted that the petitioner shall also present himself before the concerned court no sooner the chargesheet is submitted.

Mr. V.N.P. Sinha, learned Senior Counsel appearing on behalf of the Economic Offences Unit submits that the complicity of the petitioner cannot be ruled out and sanction has already been taken for prosecuting the present petitioner. He further submits that initial verification of the Challans having been made by the petitioner, the initial act of fraudulent entries started from his stage, which subsequently further lead to huge loss of revenue. Learned counsel further submits that the investigation is still in progress and chargesheet is likely to be submitted.

Learned counsel appearing on behalf the petitioner, however, submits that all documents, which were required for

investigation, have already been taken into possession by the investigating agency and there is no scope for tampering with the evidence. Furthermore, the petitioner is still functioning day to day and performing his duties in the office as Excise Sub-Inspector and there is no chance of his absconding.

Taking into consideration the entire gamut of circumstances and that the petitioner is in Government service and as on date, he has not been placed under suspension and is performing his duties, 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 Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-II, Patna, District-Patna, in connection Special Case No.37(A)/2014 arising out of Kotwali (Munger) P.S. Case No.74 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The said protection is being extended to the petitioner on the condition that one of the bailors shall be a close relative of the petitioner, who could be either mother,

father, brother or spouse. It is further made clear that the petitioner shall make himself available not only for the investigation but also on submission of chargesheet present himself before the court below for receiving all documents and papers and shall thereafter be present in the court on all dates. In case he is absent for two consecutive dates without there being any justifiable cause, it shall be open for the prosecution to proceed in accordance with law, including moving this Court for cancellation/modification of the present order.

(Anjana Mishra, J)

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