

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13599 of 2016

Arising Out of PS.Case No. -22 Year- 1992 Thana -C.B.I CASE District- MUZAFFARPUR

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Ajay Kumar, son of late Ram Prakash Singh, Resident of Village-Haibatpur,
P.S.- Rampur Chauram, District -Arwal, Presently posted as an Assistant,
Forest and Environment Department, Nepal House, Doranda, Ranchi,
(Jharkhand)

.... Petitioner/s

Versus

The State of Bihar through the Vigilance Commissioner, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Roy, Adv.

Mr. Rana Ishwar Chandra, Adv.

For the Opposite Party : Mr. Ramakant Sharma, Law Officer, I/C Vigilance

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-05-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered for offences under Sections 120B, 420, 467, 468, 471, 477(A) and 109 of the Indian Penal Code as also under Section 5(2) read with 5(1)(d) of The Prevention of Corruption Act, 1947, which was amended/converted as Section 13(2) read with 13(1)(d) and 15 of The Prevention of Corruption Act, 1988.

Though the petitioner, besides others, is named in the FIR vide Annexure-1 as an accused, but taking into consideration the fact that the present case was lodged in the year 1992 with respect to the occurrence of 1986 regarding grant of affiliation to a college of L.N. Mithila University, Darbhanga and the petitioner was posted in the Human Resources Department, Government of Bihar, Patna in its lower echelons as an Assistant, as also taking into consideration the fact that despite submission of charge-sheet against the petitioner, he has not been apprehended by the

vigilance till date, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail also on the ground that it would be in the interest of the prosecution that the petitioner appears before the trial court and he is put on criminal trial, so that his trial is taken to its logical conclusion at an early date. Hence, his prayer for grant of anticipatory bail is allowed.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Special Case No.93 of 2002 arising out of Vigilance P.S. Case No.22 of 1992, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (C) the petitioner shall make regular pairvi in the

court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.



Arvind/-

(Birendra Prasad Verma, J)

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