

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20956 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -C.B.I CASE District- PATNA

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Amrendra Kumar, son of Late Ganesh Paswan, R/o Village- Barila, PO-
Baraila, PS- Sheosagar, District- Rohtas

.... Petitioner/s

Versus

The State of Bihar, through the Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Daya Shankar Prasad Sinha

For the Vigilance : Mr. Rama Kant Sharma(L.O,I/C Vigi)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 23-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Vigilance P.S. Case No. 82 of 2015, registered under Sections
420/201/120(B) of the Indian Penal Code and Section 13(2) read
with 13(1)(d) of the Prevention of Corruption Act.

It is submitted by the learned counsel for the
petitioner that institution of the F.I.R. is bad in the eyes of law, as
with respect to the same occurrence, another case being Sasaram
Model P.S. Case No. 1005 of 2015 had earlier been instituted
against the petitioner under Section 408, 409 and 353 of the Indian
Penal Code in which a co-ordinate Bench of this Court has already
granted pre-arrest bail to the petitioner vide order dated
18.04.2016 passed in Cr. Misc. No. 3007 of 2016.

In sum and substance, the argument of the learned

counsel for the petitioner is that there cannot be two F.I.Rs for the same incident.

Learned counsel for the Vigilance has opposed the application preferred by the petitioner under Section 438 of the Code of Criminal Procedure. He has submitted that in the earlier F.I.R, the offence as alleged in the present F.I.R. under the Prevention of Corruption Act, was not mentioned. However, he concedes that the investigation relates to the period covered in the previous F.I.R.

Regard being had to the facts and circumstances of the case as also the reasons assigned in the aforesaid order dated 18.04.2016 passed by a co-ordinate Bench of this Court, in the event of arrest or surrender in the court below within six weeks from today, the petitioner, Amrendra Kumar, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Vigilance court-1, Patna, in connection with the Vigilance P.S. Case No. 82 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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