

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47043 of 2016

Arising Out of PS.Case No. -60 Year- 1997 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Gopal Singh S/o Gajadhar Singh resident of Village- Amhara, P.S.-
Sonhan, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar Through The Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra, Advocate

For the Opposite Party/s : Sri Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2016 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner is languishing in custody since 10.08.2016
in a case registered for offences punishable under Section 161 of
the Indian Penal Code.

The prosecution case is that the petitioner, who is Home
Guard along with his associates was taking away the truck to
cross the check post without any checking and after search Rs.
230/- was recovered from the possession of the petitioner, which
was also confessed by the petitioner before the S.D.O., Mohania
in writing.

It has been submitted by the learned counsel for the



petitioner that the petitioner was granted the privilege of bail on 16.06.1997 and he was regularly doing pairvi but his bail was cancelled on 04.1.2006. It has further been submitted that Section 161 of the Indian Penal Code has since been repealed by the Prevention of Corruption Act, 1988.

Learned A.P.P. for the State submits that the petitioner left doing pairvi on 26.10.2005 and thereafter on 25.11.2005 there was no pairvi done on behalf of the petitioner, lastly on 04.1.2006 the bail bond of the petitioner was cancelled although, he has full knowledge about the intuition and pendency of the case.

However, learned counsel for the petitioner undertakes to be cautious and also undertakes to appear before the Court on each and every date.

Considering the facts of the case and undertaking that the petitioner will appear on each and every date before the Court below, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Special judge, Vigilance, 1st, Patna in connection with Spl. Case No. 11/1997.

This direction for bail is further subject to the condition that the petitioner shall not directly or indirectly, make



any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below as and when required.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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