

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5243 of 2016

Arising Out of PS.Case No. -163 Year- 2009 Thana -CHHATAPUR District- SUPAUL

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Md. Kalimuddin, son of Abdul Shakur, resident of Village + P.O. - Singiawar, P.S. - Kishanpur, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar through Vigilance II, Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner/s: Mr. Pramod Mishra, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-08-2016

Heard both sides.

The petitioner apprehends his arrest in Chhatapur P.S. Case No. 163/2009 registered under Sections 419, 420, 409/34 of the Indian Penal Code and Sections 7, 8, 13(2) read with Section 13(1)(D) of the Prevention of Corruption Act.

The Circle Officer, Chhatapur Block, Supaul is the informant of the case and he alleged that cheque nos. 319701 to 319800 and 327601 to 327700 were missing from the table of Dayanand Prasad, Assistant of the Circle Office, and the missing cheques were encashed by different persons. The petitioner is not named in the FIR. The petitioner was posted as Panchayat Sachiv at Chhatapur Block in the district of Supaul before 09.07.2009 and the present case was lodged on 12.12.2009. During the course of investigation, the name of the petitioner figured in the case. It is

submitted that there is no basis for implication of the petitioner in the case as an accused as the petitioner neither received the cheque nor encashed any of the missing cheques.

Learned counsel for the Vigilance did not point out any fact or documents to show that the petitioner ever received any cheque or encashed the same from any Bank. It is only pointed out that the petitioner did not write the names of the beneficiaries in the concerned files but the question arises as to when the petitioner received the cheques for disbursement of the same amongst the beneficiaries and there is no material.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged 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 in Special Case No. 04/2011, arising out of Chhatapur P.S. Case No. 163/2009, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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