

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10538 of 2016

Arising Out of PS.Case No. -57 Year- 2009 Thana -C.B.I CASE District- PATNA

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Nirmal Kumar Singh, S/O Late Ram Nihora Rai, Resident of village-
Mahavir Tola, P.S.- Maner, District- Patna

.... Petitioner

Versus

The State of Bihar through Vigilance

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-06-2016 Heard both sides.

The petitioner apprehends his arrest in Vigilance P.S.
Case No. 57 of 2009, corresponding to Special Case No. 45 of
2009 registered for the offences punishable under Sections 467,
468, 471, 477(A), 420, 409 and 120(B) of the Indian Penal Code
and under Section 13(2) read with Sections 13(1)(d) of the
Prevention of Corruptions Act.

On the basis of the enquiry report of the vigilance on
the allegation that the petitioner, Mukhiya Omprakash Singh and
the then Panchayat Secretary Ramashis after preparing forged
distribution register committed several irregularities in the
appointment of teachers, distribution of flood relief fund and other
construction works.



It is submitted that the petitioner is a deputy Mukhiya of Gram Panchayat. The petitioner is not at all authorized to distribute flood relief fund. The petitioner being member of a ward can only be certified for flood relief fund distribution. There is nothing to show that the petitioner defalcated any amount of the flood relief fund. Co-accused Ram Sanjiwan Singh @ Ram Sanjivan Singh in Cr. Misc. No. 8991 of 2016 on 17.05.2016, Mithilesh Kishore in Cr. Misc. No. 36539 of 2015 on 21.12.2015 and Bacchi Devi in Cr. Misc. No. 186 of 2016 on 24.02.2016 have already been enlarged on anticipatory bail. The case of the petitioner stands on same footing. As nobody has come forward to say that the petitioner has defalcated any amount of flood relief fund except that he put his signature along with Mukhiya and Panchayat Secretary in the distribution sheet.

Considering the facts aforesaid, 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, 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-1, Patna in Vigilance P.S. Case No. 57 of 2009, corresponding to Special

Case No. 45 of 2009, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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