

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14719 of 2016**

Arising Out of PS.Case No. -6 Year- 2010 Thana -C.B.I CASE District- PATNA

- =====
- 1.Ashok Paswan son of Chando Paswan, resident of village-Beldha, P.s.-Warsaliganj, District-Nawadah, Ex-Mukhia of Gram Panchayat Raj, Dosut, Block-Warsaliganj, District-Nawadah.
2. Umesh Singh, son of Late Baleshwar Singh, resident of village-Beldha, P.S.-Warsaliganj, District-Nawadah

.... .... Petitioner/s

Versus

The State of Bihar Through Vigilance, Patna

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
ORAL ORDER

3      03-05-2016      Heard learned counsel for the petitioners, learned Additional Public Prosecutor, appearing on behalf of the State as well as learned counsel appearing on the Vigilance Department.

This application for grant of anticipatory bail arises out of Special Case No. 4 of 2010 arising out of Vigilance Case No. 06 of 2010, disclosing offences under Sections 467, 468, 471, 120B, 420, 409/34 of the Indian Penal Code and Sections 7/13 (2) Read with Section 13(1) (D) of the Prevention of Corruption Act, 1988.

The allegation is of misappropriation of funds allotted for construction of homes under Indira Awas Yojna by the petitioner No.1, who was at the relevant point of time, Mukhiya of Dosut Gram Panchayat in the District of Nawadah. Petitioner No.2 said

to have acted as middle man. The period of offence is alleged as 2007-08 and 2008-09.

Learned counsel appearing on behalf of the petitioners has submitted that for the same period with respect to the same beneficiaries and relating to same transaction, earlier Warsaliganj P.S. Case No. 105 of 2008 was registered, implicating the present petitioners as accused. It has been submitted that the petitioners have been granted anticipatory bail in connection with the aforesaid Warsaliganj P.S. case No. 105 of 2008. He has submitted that institution of the present First Information Report for the same allegation is an abuse of the process of the Court.

Considering the above submissions, this application is allowed. Let the petitioners in the event of their arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Ist, Patna, in Spl. Case No. 4 of 2010 arising out of Vigilance Case No. 06/2010 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as

and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall b e liable to the cancelled.

**(Chakradhari Sharan Singh, J)**

ArunKumar/-

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