

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26032 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -C.B.I CASE District- PATNA

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1. Pramod Kumar son of Suresh Paswan Resident of Village- Birbal Bigha, Police Station Ben, District Nalanda.
 2. Kaushal Kumar Son of Suresh Ram Resident of Vilage- Bhatu Bigha, Police Station Ben, District Nalanda.
 3. Umesh Kumar Son of Ram Chandra Prasad Resident of Village- Nerutha, Police Station Sare, district Nalanda.
 4. Shailendra Kumar Son of Nawal Kishore Resident of Village- Bhatu Bigha Police Station Ben, District Nalanda..... Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police, Vigilance Department, Vigilance Investigation Bureau, Patna Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh

For the Opposite Party/s : Mr. Ramakant Sharma (Law Off. Vig)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 20-08-2016

Heard both sides.

The petitioners apprehend their arrest in Vigilance P.S. case No. 109 of 2015 under Section 420, 467, 468, 477(A), 192, 201, 120B of the Indian Penal Code and under Section 13(2) read with 13(1) (d) of the Prevention of Corruption Act.

In pursuance of an advertisement the petitioners also applied and their names figured in the merit list according to roster. Out of 35 vacancies 20 posts were filled up and 14 candidates were appointed in the year 2008. Petitioners No. 1 to 3 were also appointed in the year 2008. The petitioner No.4 was appointed along with four others against the vacancies occurred in the year 2006.

It is submitted that petitioners neither submitted any fake certificate nor committed any illegality.

The learned counsel for the Vigilance submitted that Mukhiya and Secretary of Panchayat Samiti adopted the illegal method and there is illegality in appointment of the petitioners.

It appears that there is no fault on the part of the petitioners rather fault is of appointing authority which has committed illegality in the appointment of the petitioners.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners, in the event of their 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, are 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, 1st, Patna in Special Case No. 65 of 2015, Vigilance P.S. Case No. 109 of 2015, 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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