

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54878 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -C.B.I CASE District- PATNA

Ashok Kumar Rai, Son of Late Suresh Prasad Yadav, Resident of Mohalla-
Bari Milki, Ward No.11, P.S. Rajgir, District- Nalanda.

.... Petitioner

Versus

The State of Bihar Through The Vigilance Department, Patna

.... Opposite Party

with

Criminal Miscellaneous No.56512 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -C.B.I CASE District- PATNA

1. Shiv Shankar Prasad S/o late Dwarika Prasad Village-Gullibhatta
Sahibganj, P.s Sahibganj, district Sahibganj(Jharkhand)
2. Rajiv Kumar s/o Sri lalan Prasad Village- Phulwarisharif, Near Block
Office, P.s Phulwarisharif, District Patna.

.... Petitioners

Versus

The State of Bihar Through The Department of Vigilance , Bihar, Patna

.... Opposite Party

Appearance :

(In Cr.Misc. No.54878 of 2015)

For the Petitioners : Mr. Hansraj, Advocate

For the Opposite Party : Mr. Ramakant Sharma, L.O.,I/C Vig.

(In Cr.Misc. No.56512 of 2015)

For the Petitioners : Mr. Kamlesh Kishore, Advocate

For the Opposite Party : Mr. Ramakant Sharma, L/O I.C.Vig, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 18-03-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in
connection with Vigilance P.S. Case No. 55 of 2015 for the
offences instituted under Sections 409, 420, 467, 468, 471 and

120(B) of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

As per the prosecution case, informant, namely, Ambrish Kumar Singh, Dy.SP, Vigilance, Patna alleged that during settlement of Malmas Mela Rajgir 2015, irregularities were committed in the settlement of the tender for which inquiry was ordered to be made by the Vigilance Bureau vide memo no.2655 dated 03.07.2015 and, accordingly, an enquiry was conducted under the supervision of the Dy.S.P., Vigilance, Patna and after enquiry, a joint report was submitted in the Head quarter, Vigilance Bureau. The preliminary inquiry report indicates that the Executive Officer, Nagar Panchayat, Rajgir by misusing his post, under a criminal conspiracy and planned manner, abused the rules and regulations knowingly and Upendra Kumar Vibhuti, who participated in the bid was not compelled to deposit 5% security money. Further allegation is that against the rule of Malmas Mela, the same was settled at Rs.1,13,50,000/- in place of minimum fixed amount of Rs.1,78,37,650/-.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case, as no loss has been caused to the State exchequer. A case has been instituted due to mistake of fact. It is further submitted that the

petitioners are ready to deposit an amount of Rs.50,000/- each in the court below which shall be subject to the final disposal of the case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners shall deposit an amount of Rs.50,000/- each in the court below which shall be subject to the final disposal of the case and on doing so, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Vigilance P.S. Case No. 55 of 2015 corresponding to Special Case No.35 of 2015 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-I, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

B.Kr./-

U		T	
---	--	---	--