

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4703 of 2016

Arising Out of PS.Case No. -65 Year- 2014 Thana -BHEJA District- MADHUBANI

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1. Md. Javed @ Md. Jawed, S/o Md. Sahabuddin, Resident of Village Mahapatiya, PS Bheja, District Madhubani, Presently Mukhiya, Mahapatiya, PS- Bheja, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar Through Vigilance, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilanjan Chatterjee

For the Opposite Party/s : Mr. Binay Krishna (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 30-08-2016

Heard both sides.

The petitioner apprehends arrest in a case registered for the offences punishable under sections 384, 385 and 420/34 of the Indian Penal Code and section 7 of the Prevention of Corruption Act.

Gist of the allegation is that the petitioner instead of collecting Rs.2/- from each card holder, he realized Rs.20/- from each of them for handing over Food Security Card.

Learned counsel for the petitioner submitted that out of 2000 persons only 58 persons made such allegation but they did not produce any paper. The petitioner never collected any excess amount from any of the card holders.

It is submitted that the learned Sessions Judge as

well as the Special Judge, Vigilance rejected the anticipatory bail petition of the petitioner as not maintainable although the case was filed in the court of the Special Judge Vigilance, North Bihar, Muzaffarpur. It appears that out of 2000 persons only 58 made accusation that the petitioner realized an excess amount of Rs.18/- for providing Food Security Cards but no chit of paper was shown that the petitioner got any money from any card holders.

Considering the nature of allegation made against the petitioner, the petitioner above named, in the event of arrest or surrender in the court below within four weeks from the date of receipt/communication of a copy of this order, shall be released 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, (North Bihar), Muzaffarpur in connection with Bheja P.S. Case No. 65 of 2014 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

Amin/-

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