

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1663 of 2016

Arising Out of PS.Case No. -37 Year- 2012 Thana -C.B.I CASE District- PATNA

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Krishna Bihari Srivastava @ Krishna Bihari Pd. Srivastava @ Krishna Bihari Das, son of Late Jaleshwar Prasad Srivastava, Resident of C/o Ajay Kumar Das Khem Billa, Adarsh Colony, Khadi Bhandar Road, P.S. Mithanpur, District- Muzaffarpur, the then District Manager S.F.C. Siwan

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Bihar, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 12-02-2016 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the Vigilance.

The petitioner is apprehending his arrest in connection with Spl. Case No.22 of 2012 arising out of Vigilance Police Station Case No.37 of 2012 for allegedly having committed the offence under Sections 476, 467, 468, 471, 477A, 420, 120B, 409 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that though the allegation is for the period 2001-2002 to 2004-2005, the petitioner had functioned in the office of the Bihar



State Food & Civil Supplies Corporation, Siwan as Incharge Manager for only a limited period of three months; beginning 22.12.2004 onwards. Learned counsel further submits that people who had been in the office and were substantially responsible for accepting and releasing of food grains from the said district have also been made accused in the present case. It is further submitted that this Hon'ble Court, after going into depth of the facts and allegations contained in the F.I.R., has come to the conclusion that there seems to be a cloud on the prosecution story. Accordingly, vide Annexure 5 series, which are orders dated 21.11.2013 passed in Cr.Misc. No.12946 of 2013 (Dharmnath Shahi vs. The State of Bihar through Vigilance), order dated 2.7.2014 passed in Cr.Misc. No.10521 of 2014 in the case of Rajendra Prasad vs. The State of Bihar through Vigilance and also the order dated 12.12.2014 in the case of one Jai Mangal Paswan vs. The State of Bihar through the Vigilance, passed in Cr.Misc. No.37313 of 2014, this Court had been pleased to extend the privilege of anticipatory bail to the aforementioned petitioners. It is submitted by the learned counsel for the petitioner that the petitioner is also similarly situated and may also be extended the same relief. He further submits that the petitioner shall co-

-operate at all stages of trial and shall be available as and when required in the court below.

Considering the aforementioned undertaking and that the petitioner has no criminal antecedents and also in view of the aforesaid orders passed by this Court, let 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, be released on bail on furnishing bail bond of ₹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 Spl. Case No.22 of 2012 arising out of Vigilance Police Station Case No.37 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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