

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43281 of 2015

Arising Out of PS.Case No. -27 Year- 1996 Thana -C.B.I CASE District- PATNA

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Awadhesh, Son of Dinferan Dubey, Retired Superintending Engineer, Bihar State Housing Board, residing at 303, Rajkishori Apartment, Kavi Raman Path, Police Station- Buddha Colony, District- Patna

.... Petitioner/s

Versus

The State of Bihar through the Inspector, Department of Vigilance, Patna

.... Opposite Party/s

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with

Criminal Miscellaneous No.51876 of 2015

Arising Out of PS.Case No. -27 Year- 1996 Thana -C.B.I CASE District- PATNA

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Chandrika Yadav, son of Late Mahadeo Yadav, resident of Mohalla-Rampur, P.O. and P.S. Khagaul, District Patna at the relevant time Assistant, Bihar State Housing Board, Patna.

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Patna

.... Opposite Party/s

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with

Criminal Miscellaneous No.9755 of 2016

Arising Out of PS.Case No. -27 Year- 1996 Thana -C.B.I CASE District- PATNA

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Jagdish Prasad, son of Late Ramji Lal, presently residing Bakarganj Bajaja, P.S. Pirbahore, District Patna at the relevant time Section Officer, Bihar State Housing Board, Patna.

2. Sidheshwar Prasad Singh @ Sidhwar Prasad son of Late Banwari Singh, resident of P/48, Vidyapuri, Kankarbagh, P.S.- Kankarbagh, District- Patna, retired Assistant, Bihar State Housing Board, Patna.

.... Petitioner/s

Versus

The State of Bihar Through Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.K. Sinha, Sr. Advocate
Mr. Nandan Prasad Singh, Advocate
Mr. Surendra Prasad Singh, Advocate
Mr. Krishna Rajan Sinha, Advocate

Ms. Madhuri Lata, Advocate
Mr. Raj Nandan Kumar, Advocate
For the Opposite Party/s : Mr. Ramakant Sharma Sr. Adv. (Law
Off.Vig)
Mr. Kedar Singh, AC to Law Officer
Ms. Sabita Kumari, AC to Law officer

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

16 01-08-2016

Heard learned counsel for the petitioners
and learned counsel appearing on behalf of the
Vigilance.

The petitioners apprehend their arrest in
connection with Vigilance Case No. 27 of 1996
corresponding to Special Case No. 26 of 1996 for the
offences registered under Sections 406, 409, 467,
468, 471, 477A, 120B of the Indian Penal Code and
Section 13(2) read with Section 13(1) (c) & (d) of the
Prevention of Corruption Act.

Learned Sr. counsel for the petitioners
submits that though the first information report has
been lodged in the year 1996, chargesheet in the
aforementioned cases has been submitted after
prolonged investigation in the year 2015 i.e.
01.10.2015. On the same date, the cognizance of the



offence has been taken and thereafter, the petitioners are apprehending their arrest. It is further submitted that all the petitioners have already superannuated from service. It is further submitted that petitioners shall make themselves available as and when required before the Vigilance Court so that the trial in the aforementioned cases may reach its logical conclusion at the earliest.

Learned Sr. Counsel for the Vigilance submits that it would be appropriate that the petitioners should cooperate in the trial and only in such an event, the interim protection which has already been extended to them be further confirmed. It is further submitted that petitioners shall make themselves available on all dates before the Court so that no unwarranted hindrance may occur in day to day progress.

Considering the fair stand taken by the petitioners, let the petitioners, above named, in the event of their 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance – 1st, Patna in connection with Vigilance Case No. 27 of 1996 corresponding to Special Case No. 26 of 1996 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is however, made clear that if the petitioners do not make themselves available at the trial for two consecutive dates, it shall be open for the Vigilance to take appropriate steps in accordance with law for cancellation of their bail. It is also made clear that one of the bailors must be close blood relation of the petitioners.

(Anjana Mishra, J)

Jagdish/-

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