

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1493 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -C.B.I CASE District- MUZAFFARPUR

=====

Madan Thakur S/o Late Vishwanath Thakur, Resident of Village- Dumri,
P.S.- Katra, Distt- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar through the Vigilance, Patna

.... Opposite Party

Appearance :

For the Petitioner : Mr. Mahendra Thakur, Advocate.

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

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 25-04-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Vigilance P.S. Case No. 28/2015 (Special Case No. 10 of 2015) registered for the offences punishable under Sections 420, 467, 468, 471, 477(A), 120(B) of the Indian Penal Code and Section 7, 13(2) read with Section 13 (1)(D) of P.C. Act.

Learned counsel for the petitioner submits that earlier a police case was instituted against the petitioner under instruction from the then D.C.L.R., Muzaffarpur, as a result of which, Muzaffarpur Town P.S. Case No. 137 of 2008 was registered. In the aforementioned case, the petitioner was made an accused in which the petitioner was extended the privilege of provisional bail



vide order dated 18.12.2008 passed in Cr. Misc. No. 41932 of 2008 by the Bench of this Court but a report was called for in Vigilance Case No.53 of 2008, which was subsequently submitted holding that there was a prima facie case made out against the petitioner. As such, the petitioner was directed to surrender and seek regular bail. In compliance of the aforementioned direction of this Court, the petitioner surrendered and was granted regular bail.

Learned Counsel for the petitioner submits that though the petitioner is already on regular bail in connection with aforementioned case lodged in the year 2008, the petitioner has been prosecuted once again on the filing of another Vigilance case with regard to the same event and similar charges. Those facts are not denied by the learned counsel for the Vigilance and the same stands testified from the F.I.R itself. Learned counsel for the petitioner further points out Annexure-4 which is a letter dated 31.03.2010 in which the Superintendent of Police has indicated that another case is not required to be filed as the petitioner is already facing prosecution. Nevertheless the present prosecution has been filed in which the petitioner is now apprehending his arrest bearing Vigilance P.S. Case No. 28 of 2015 has been filed in which the petitioner is apprehending his arrest.

Considering the aforementioned facts and

circumstance and that the petitioner has already surrendered and taken regular bail in connection with the same and similar charges, 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 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 learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 28/2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

Amit/-

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