

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48334 of 2017

Arising Out of PS.Case No. -15 Year- 2000 Thana -VIGILANCE District- PATNA

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1. Ram Ishwar Prasad @ Ram Ishwar Rai @ Rameshwar Rai Son of Late
Kishundhari Rai R/o Village+Post Bairiya, P.S. Gopalpur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Vigilance, Govt. of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bihari Tiwary

For the Opposite Party/s : Mr. Ramakant Sharma, Sr. Advocate,
I/c Vigilance Law Officer
Mr. Rabindra Kumar, AC to Vigilance Law
Officer

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-12-2017 Heard learned counsel for the petitioner, learned
counsel for the Vigilance and learned APP for the State.

This is a case of misuse of bail granted earlier to the
petitioner.

Petitioner seeks bail in connection with Special Case
No. 19A/2000, arising out of Vigilance P.S. Case No. 15/2000 for
offences punishable under Sections 109, 120-B, 193, 420, 467,
468, 469, 471 of the Indian Penal Code and Sections 13(2),
13(1)(c) of the Prevention of Corruption Act, 1988.

The prosecution case, as lodged by the Vigilance, is that



while the petitioner was posted as Assistant Engineer in the Department of Urban Development, during raid huge amount, which was disproportionate asset of the petitioner to the tune of Rs. 40,03,940/-, was recovered, and, accordingly, the Vigilance case against the petitioner was set in motion.

It has been submitted by the learned counsel for the petitioner that he was enlarged on bail under the provisions of Section 167 (2) Cr.P.C. by the Special Court, Vigilance, South Bihar, Patna, but for misuse of bail he has again been sent to custody. He submits that he is ready to abide by all the terms and conditions and appear before the trial court on day-to-day basis. He further submits that petitioner is an old and retired person, had gone for medical check-up and always remains sick.

However, learned counsel appearing for the Vigilance submits that the petitioner left doing pairvi since 18.06.2013 and his bail was cancelled on 16.06.2014. He submits that petitioner has been arrested after a gap of three years and has surrendered on 25.08.2017 and if enlarged on bail will again abscond delaying the trial of the aforesaid case.

Learned APP for the State also opposes the prayer for bail.



Considering the facts and circumstances and the materials on record, let petitioner, above named, 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-1, Patna, in connection with Special Case No. 19A/2000, arising out of Vigilance P.S. Case No. 15/2000, subject to the conditions that :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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