

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6679 of 2017

Arising Out of PS.Case No. -58 Year- 2015 Thana -C.B.I CASE District- PATNA

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Rakesh Kumar, son of late Sita Ram Rai, resident of village- Dhauwalia,
P.S.- Kusheshar Asthan, District- Darbhanga (Bihar), the then Clerk,
District Agriculture Office, Samastipur, Bihar.

.... Petitioner/s

Versus

The State of Bihar through the Superintendent of Police, Vigilance
Investigation Bureau, Muzaffarpur Range, Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.P.Pandey, Sr. Advocate.

Mr. Rakesh Kumar, Advocate.

For the OP (Vig.) : Mr. Ramakant Sharma, L.O. Inc. Vig.

Mr. Rakesh Kumar Sharma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 18-03-2017 Heard learned counsels for the petitioner and the

State as well as learned counsel for the Vigilance.

The petitioner apprehends his arrest in connection
with Vigilance P.S.Case No. 58 of 2015 (Special Case No. 24 of
2015) registered under Sections 406, 409, 420, 467, 468, 471 and
120B of the Indian Penal Code and Section 13(2) read with
13(1)(d) of the Prevention of Corruption Act.

The allegation, in brief, is that in two financial years,
subsidy amount of Rs. 5 lacs each was given to purchase 08
combined harvesters to 08 beneficiaries, but only four persons
were found genuine and four were fictitious and thus Rs. 40 lacs
of Government subsidy money was misappropriated by the



officials and the accused persons and the FIR has been lodged against 09 persons including the officials and personnels of District Agriculture Office, Samastipur.

Learned counsel for the petitioners submits that selection of beneficiaries is made on the basis of the recommendation and verification by the Block Agriculture Officer and District Agriculture Officer and thereafter money is released either in favour of the dealer of harvesters or in the account of purchaser and the petitioner, at the relevant point of time, was posted as a Clerk in the office of the District Agriculture Officer and he had only compiled the report submitted by the Block Agriculture Officer and the District Agriculture Officer and he had no role in recommendation of the beneficiaries or sanctioning the subsidy amount or in the verification process. Moreover, the Head Clerk, posted at the relevant time, has been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 28.10.2016 passed in Cr. Misc. No. 43273 of 2016 and also Rs. 10 lacs had already been returned back by two persons.

Learned counsel appearing on behalf of the vigilance opposes the prayer for bail.

Having considered the aforesaid facts and circumstances, let the petitioner, namely, Rakesh Kumar, in the



event of arrest or surrender before the court below within four weeks from today, be released on bail upon 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. 58 of 2015 (Special Case No. 24 of 2015); subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

However, the petitioner shall present before the police for interrogation as and when required.

(Arun Kumar, J)

Sujit/-

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