

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38554 of 2017

Arising Out of PS. Case No.-137 Year-2016 Thana- DURGAWATI District- Bhabhua
(Kaimur)

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Gopal Pandey, son of Late Kamta Pandey, resident of Village : Awari, P.S.:
Sonhan, District : Kaimur.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Bikramdeo Singh

For the Opposite Party/s : Sri Ramakant Sharma (L.O, I/c Vigilance)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 17-10-2017 Heard Sri Bikramdeo Singh, learned counsel for the
petitioner and Sri Ramakant Sharma, learned senior Law
Officer for the Vigilance Investigation Bureau.

The petitioner, apprehending his arrest in Special Case No.
42 of 2016 (arising out of Durgawati P.S. Case No. 137 of
2016) registered for the offence under section 341, 342, 166,
379, 384, 386, 389, 506 / 34 of the Indian Penal Code 1860 and
section 65 (b) (c) of the Bihar Excise (Amendment) Act, 2016
(hereinafter referred to as the “Excise Act”) has prayed for
grant of bail in the event of his arrest or surrender.

It was submitted by that learned counsel for the petitioner
that petitioner was a private driver of a Police Jeep and he had
not done any omission or commission voluntarily, whatever



has been alleged, that has been alleged that he has done as per diktat of Police Officials. Fact remains that in the case one innocent person was threatened for implicating for offence committed under the Excise Act and thereafter, accused Police Officials apprehended some of the occupants of the vehicle and owner of the vehicle was carried to different A.T.Ms. and thereafter, Rs. 25,000/- was withdrawn from one of the A.T.Ms. Subsequently, the victim filed a complaint. Thereafter, case was registered against Police Officials including the petitioner, who was also named as one of the accused. Though, F.I.R. was lodged on 23.05.2016, the court is surprised to notice that Police has not taken any step for apprehending the petitioner. This is the reason that after lapse of such a long time, petitioner has approached this court for grant of anticipatory bail.

Considering the nature of accusation, there is no need to extend the privilege of anticipatory bail to the petitioner. At the same time, the Superintendent Of Police, Vigilance Investigation Bureau, which is investigating the case, is directed to take appropriate step against the accused persons. In such cases it is expected that State Police / Vigilance may take appropriate step against the accused persons and not allow



them to approach this court for grant of anticipatory bail in a case in which F.I.R. was lodged long back in May, 2016.

Let a copy of this order be sent to the Superintendent Of Police, Vigilance Investigation Bureau as well as Commissioner (Vigilance).

(Rakesh Kumar, J)

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