

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40760 of 2017

Arising Out of PS.Case No. -107 Year- 2016 Thana -C.B.I CASE District- MUZAFFARPUR

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1. Md. Gholam Mustafa Son of Late Sadiruddin Ahmad, resident of
Sahebganj, Champanagar, PS-Kotwali, Dist.-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar Through The Vigilance Department, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 12-09-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Special Case No. 49 of 2016 arising out of Vigilance P.S.
Case No. 107 of 2016, disclosing offences under Sections 420,
467, 468, 471, 472, 477(A), 409, 120(B) of the Indian Penal
Code and 13(2) read with 13(1)(d) Prevention of Corruption Act,
1988.

Learned counsel for the petitioner has submitted that
the petitioner is innocent and has not committed any offence. In
fact, the petitioner happened to be Registrar of the Jai Prakash
Universty for the period 19.07.2014 to 09.06.2006 and
25.10.2008 to 08.10.2009 and there is no accusation of any



financial misappropriation against him rather the accusation of embezzlement of government Aid is against Principal and Secretary of the Managing Committee of Daroga Prasad Rai Degree College, Siwan. No government Aid was either received or disbursed and distributed during the tenure of the petitioner. Moreover, several co-accused having more or less similar allegation have been granted bail by different co-ordinate Benches of this Court, which is evident from Annexure-5 series. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released 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 Special Case No. 49 of 2016 arising out of Vigilance P.S. Case No. 107 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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