

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41473 of 2017

Arising Out of PS.Case No. -36 Year- 2006 Thana -VIGILANCE District- PATNA

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Bindeshwary Vikal @ Bindeshwari Prasad Vikal, son of Late Saryug Prasad, Resident of village- Mainachatar, P.S.- Chandradeep, District- Jamui.

.... Petitioner

Versus

The State of Bihar through the Vigilance Investigation Bureau, Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and learned counsel for the Vigilance.

The petitioner seeks pre-arrest bail in connection with Special Case No. 8 of 2006 arising out of Vigilance P.S. Case No. 36 of 2006 registered under Sections 420, 409, 465, 467, 471, 477A, 120B of the Indian Penal Code and Sections 13(1)(C) (d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that with



respect to the same matter earlier, Khaira P.S. Case No. 92 dated 20.10.1995 had been filed, which related to seven schemes executed in the year 1994-95 in which the petitioner, who was Junior Engineer, was not an accused. Subsequently, the vigilance case has been filed pertaining to 13 schemes. He has submitted that the case is still under investigation and earlier the petitioner had no knowledge about the case. He has further contended that by now the petitioner has already superannuated from service and several other co-accused persons involved in the case including the Executive Engineer as well as number of Assistant Engineers and Junior Engineers have been granted anticipatory bail by this Court.

In support of his submission, he has annexed the orders dated 28.11.2006, 20.07.2007 and 10.05.2017 passed in Cr. Misc. Nos.50249 of 2006, 25607 of 2007 and 14334 of 2017 as Annexure-2 series to the present application whereby co-accused Upendra Kumar Tiwari, Ram Lakhan Rajak alias Lakhan Rajak and Raj Nandan Singh respectively have been granted pre-arrest bail.

Learned counsel for the Vigilance does not dispute the aforesaid contentions of the petitioner. However, he has



submitted that though the first information report was instituted in respect of illegalities committed in several schemes of the government on 20.06.2006, the petitioner has approached this Court after long delay of eleven years.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-II, Patna in connection with Special Case No. 8 of 2006 arising out of Vigilance P.S. Case No.36 of 2006 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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