

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53228 of 2017

Arising Out of PS.Case No. -37 Year- 1995 Thana -VIGILANCE District- PATNA

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1. Dinesh Jha, Son of Late Ganesh Jha, R/o Mohalla- Gangjala, P.S.- Nagar, District- Saharsa.
 2. Narendra Kumar Jha Son of Late Satish Chandra Jha, R/o Village- Patuaha, P.S.- Nagar, District- Saharsa at present Mohalla- Vidyapati nagar, P.S.- Nagar, District- Saharsa.
 3. Surendra Nath Jha Son of Late Dineshwar Jha, R/o Village- Patuaha, P.S.- Nagar, District- Saharsa.

.... Petitioners

Versus

The State of Bihar through Vigilance, Patna

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pranav Kumar Jha, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-11-2017 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Petitioners apprehend their arrest in Special Case
No.133/17/8/95 arising out of Vigilance P.S. Case No.37
of 1995 for the offences under Sections 467, 468, 471,
477A, 420, 201, 120(B), 109 of I.P.C. and Section 5(2),
5(1)(d) read with Section 13 (1) (d) of P.C.Act.

Counsel for the petitioners has submitted that the
petitioners are not named in the written report. During
course of investigation none of the witnesses has alleged



any specific allegation of overt act against the petitioners. From the written report it appears that in terms of the orders passed in C.W.J.C.No.4458/92, C.W.J.C.No.8929/92 and Cr.Misc.No.47861 of 2013 enquiry was made with regard to the payment made to the newly constituted colleges particularly, Rajendra Mishra College, Saharsa, in course of which no any material came against these petitioners. The names of these petitioners have finally come after charge sheet was submitted by the police. Other similarly situated co-accused Sadashiv Choudhary has already been granted anticipatory bail vide order dated 3.3.2014 passed in Cr.Misc. No.51615/13.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of A.D.J.-XI-cum-Special Judge, Vigilance-I, Patna in Special Case No.133/17/8/95 arising out Vigilance P.S. Case No.37/95 subject to the conditions as laid down under Section 438 (2) of Cr.P.C. with further



conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

AnilKrSinha/-

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(Sanjay Priya, J)

