

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48418 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -VIGILANCE District- PATNA

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1. Anil Kumar Mishra, son of late Raj Kumar Mishra, resident of village-
Hari Nagar, P.S.- Rajnagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Department of Vigilance, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Choudhary, Advocate
Mr. Vijay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 18-12-2017

Heard learned counsel for the petitioner and learned
counsel for the Vigilance.

Petitioner apprehends his arrest in **Special Case**
No.07 of 2017 arising out of Vigilance P.S. Case No.10 of 2017
instituted for the offence under Section(s) 13(2) read with Section
13(1) (e) of the Prevention of Corruption Act, 1988.

Counsel for the petitioner has submitted that he
belongs to a respectable family. He has not earned any
disproportionate income.

In the written report, it is alleged that the petitioner
was elected as *Mukhiya* in the year 2006. At that time, he had
given declaration of his property at the time of filing of



nomination. He was, again, elected as *Mukhiya* in 2011 and during that period of election he filed his nomination paper in which he had given declaration of his property and from comparison of both declarations it appears that petitioner while holding post of *Mukhiya* has purchased about two acres of land besides a Tavera vehicle, one Bullet motorcycle, LIC policies etc. as mentioned in the written report.

Counsel for the petitioner has filed detailed Supplementary Affidavit in which he has enclosed nomination paper filed in the year 2006 and 2011. Counsel for the petitioner has submitted that in the nomination paper filed in the year 2006, the petitioner had declared eight acres of land and two ponds, all ancestral. In the nomination paper of 2011, he has combined area of both land and ponds and has given declaration of ten acres of land. Therefore, confusion has been created. He has not purchased any assets during the period after being elected as *Mukhiya*. It is further submitted that Tavera vehicle, which is shown to have been purchased, is a second hand vehicle and other investments as alleged in the written report are all made of his own fund as he belongs to a respectable family.

Counsel for the Vigilance has appeared and opposed the prayer for bail.



In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Special Case No.07 of 2017 arising out of Vigilance P.S. Case No.10 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Judge, Vigilance, North Bihar, Muzaffarpur**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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