

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43370 of 2017

Arising Out of PS.Case No. -15 Year- 2000 Thana -VIGILANCE District- PATNA

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1. Mithila Mahto @ Mithla Mahto, aged about 80 years, Son of Late Bengal Mahto, Resident of Jhujharpur, P.S.- Gaurichak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through Vigilance.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar

For the Opposite Party/s : Mr. S.M. Rahman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-11-2017 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel appearing for the Vigilance.

Petitioner is languishing in judicial custody since 24.04.2017 in connection with Special Case No. 19(A)2000, arising out of Vigilance P.S. Case No. 15/2000 for offences punishable under Sections 109, 120-B, 193, 420, 467, 468, 469, 471 of the Indian Penal Code and Sections 13(2), 13(1) of the Prevention of Corruption Act, 1988.

The prosecution case, as lodged by the vigilance, is that a raid was conducted by the Income Tax Department and huge assets and incriminating documents were found to the tune of Rs. 38 lakhs in the house of one Ambuj Kumar, the then Assistant in



the Urban Development and Housing Department, Bihar. The said Ambuj Kumr in the name of his wife Madhumati Verma had floated a construction company, namely, Jai Mata Di Company in which six persons had made agreement to purchase flats and the petitioner is alleged to have made an agreement after depositing Rs. 3,75,000/- in lieu of purchase of flat on an invalid stamp paper. During course of investigation, it was found that the petitioner was a mere labourer, who was working in the said construction company and did not have any financial means to make such payment. The petitioner was declared absconder and after lapse of 17 years he was arrested by the police and produced before the court as he had been a vagabond and was not living with his wife.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and is an old man of 80 years. He submits that he was not in the knowledge of the present case and has been falsely implicated in the aforesaid case. He further submits that he is ready to cooperate in the investigation and appear before the court below on day-to-day basis.

However, learned counsel for the Vigilance opposes the prayer for bail stating therein that the petitioner had been declared



absconder and ultimately his case was separated from the main case and there is apprehension that again the petitioner will not cooperate with the trial.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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-1, Patna, in connection with Special Case No. 19(A)2000, arising out of Vigilance P.S. Case No. 15/2000, subject to the conditions that :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) The petitioner will appear before the concerned



police station in the first week of every months for six months and mark his attendance, failing which his bail bonds will be cancelled.

(Nilu Agrawal, J)

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