

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57105 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -VIGILANCE District- PATNA

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1. Manik Das Son of Late Chandrika Das at present Principal, Primary School Rani Sarari, Bakhtiyarpur, at village Doma, P.S. Salimpur, District Patna.
 2. Sunita Devi Wife of Birbal Singh at present Secretary, School Examination Committee, Village Rani Sarai, P.S. Bakhtiyarpur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra
For the Vigilance : Mr. R. k. Sharma, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 3 07-12-2017 Heard learned counsel for the petitioners and the State.
- The petitioners apprehend arrest in Special Case No. 01 arising out of Vigilance P.S. Case No. 03 of 2017 registered for the offence under Sections-420, 409, 467, 468, 120B of the IPC and Sections-13(1)(d) Prevention of Corruption Act, 1988.

It has been submitted that petitioners were Principal and Secretary of the aforesaid school. The construction was done by the engineer and even the allegation is taken to be true, then also, it is fault of the engineers. These petitioners were not technical persons. Counsel for petitioners has pointed out running page 20 of the FIR wherein it is mentioned at paragraph-3.0.5 that



Assistant Engineer and Junior Engineer have submitted report stating therein that the construction work has been done as per approved map and specification. It has further been submitted that one of co-accused namely, Dharmendra Uraon has been granted anticipatory bail by this court vide order dated 03-10-2017 passed in Cr. Misc. No. 40442 of 2017.

Counsel for the Vigilance has opposed the prayer.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Special Case No. 01 arising out of Vigilance P.S. Case No. 03 of 2017 to the satisfaction of ***learned Special Judge, Vigilance-I, Patna*** subject to condition as laid down u/S 438(2) of the 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.

(Sanjay Priya, J)

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