

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48468 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -VIGILANCE District- PATNA

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1. Ashok Kumar S/o-Tej Narain Singh, R/o Village-Chullahai Chuck, P.S.-Rupaspur, District-Patna.
2. Akhileshwar Kumar Chaubey, S/o Bidya Sagar Chaubey, Resident of Village-Bhakhwa, P.S.-Sikraul, District-Buxar.

.... Petitioners

Versus

1. The State of Bihar
2. Sri Narayan Singh Dy Police Superintendent Vigilance, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate
For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 04-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Vigilance P.S. Case No.48 of 2017 instituted for the offence under Sections 420, 406, 409, 467, 468 and 120B of the Indian Penal Code and 13(2), 13(1)D of Prevention of Corruption Act, 1988.

Learned counsel for the petitioners has submitted that with regard to allegation of defalcation made in the written report, the matter was inquired by Executive Engineer, DRDA. He submitted report on 15.3.2016 fixing the respective liability of every accused persons which was subsequently corrected vide Annexure-3. Petitioner no.1 was directed to make payment of 10% of the alleged amount and petitioner no.2 was directed to make



payment of 20% of the amount for which the liability was fixed. Learned counsel for the petitioners has pointed out paragraphs 7 and 8 of Annexure 1A filed by the Vigilance in the counter affidavit wherein it has been mentioned that petitioner no.1 has already deposited 10% of the amount, amounting to Rs.51,335/- and petitioner no.2 has deposited 20% of amount amounting to Rs.1,03,009/-.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, namely above, within six weeks from today, in connection with Vigilance P.S. Case No.48 of 2017 and Special Case No.38 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance 1st Patna, subject to the conditions as laid down under Section438(2) 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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