

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22494 of 2017

Arising Out of PS.Case No. -16 Year- 2014 Thana -C.B.I CASE District- MUZAFFARPUR

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1. Randhir Kumar Mishra Son of Late Narayan Mishra, Resident of Saket Sadan, kitab Bhawan Lane, Noth Shri Krishna Puri, Police Station- Shri Krishna Puri, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Vigilance, Patna, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Vigilance : Mr. Ramakant Sharma (L.O.,Inc.,Vigilance)
Mr. Santosh kumar Pandey.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 22-08-2017 Heard learned counsel for the petitioner and learned

counsel for the Vigilance.

The petitioner seeks anticipatory bail in a case instituted for the offences under Sections 420, 406, 409, 466, 467, 468, 471 and 477(A) of the Indian Penal Code and Section 13(2) read with Section 13(1) (D), 13(1) (C) and 13 (1) (A) of the Prevention of Corruption Act, 1988.

On the direction of this Court a vigilance case has been instituted against different officials of the University including the Vice Chancellor. An FIR has been lodge wherein in paragraph no.3 it has been mentioned that during course of investigation it was found that by publishing an advertisement



in the monthly Hindi Magazine "Anupam Upahar" Rs.8,96,000/- was spent which is against the provisions of the University. Further it has been mentioned that if the University wanted to deviate from the rule and regulation then, in such circumstances, that could have been done only after approval of Synate which has not been done.

Learned counsel for the petitioner submits that petitioner is not the owner of magazine "Anupam Upahar" rather he is an editor and his primary duty is to look after the magazine nothing more than that. So far money is concerned it has not gone to the pocket of the petitioner.

Learned counsel for the Vigilance submits that there was connivance with the petitioner for taking work order but the contents of First Information Report does not disclose that petitioner has acted to obtain the work order.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Randhir Kumar Mishra, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Special Vigilance Court,



North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No.16 of 2014, Special Case No. 27 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. It is made clear that if the petitioner will not co-operate during course of investigation and join for interrogation the police will be at liberty to file an application for cancellation of bail.

(Shivaji Pandey, J)

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