

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15967 of 2017

Arising Out of PS.Case No.-48 Year- 2015 Thana -VIGILANCE District- PATNA

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1. Panchanan Jha @ Panchanand Jha, son of late Sitaram Jha, resident of Gautam Nagar, Ward No. 11, Police Station- Saharsa, District- Saharsa, the then Superintending Engineer Irrigation, Circle Kharagpur.

.... 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. Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta, APP

Mr. Rama Kant Sharma, LO, I/c, Vigilance

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 31-08-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Vigilance.

Petitioner apprehends his arrest in Special Case No.10 of 2015 arising out of Vigilance Patna P.S. Case No.48 of 2015 instituted for the offence under Section(s) 467, 468, 471, 409, 420, 120-B Indian Penal Code and Section 13(2) read with Section 13(1)(c)(d) of the Prevention of Corruption Act, 1988.

It has been submitted on behalf of the petitioner that the alleged occurrence took place between 09.01.2009 to 18.01.2009, whereas, the petitioner has joined his duty as Superintending Engineer, Irrigation, Circle Kharagpur, on 10.07.2009, and the work, in question, was already over in March, 2009. Joining Report of the petitioner has been annexed



as Annexure-2.

It has further been submitted that after joining his duty as Superintending Engineer, the matter came before the petitioner and after perusing the record, he wrote letter dated 02.09.2009 to the Chief Engineer, Water Resources Department, Bhagalpur, stating therein that before payment of the aforesaid amount inspection should be done. Copy of the aforesaid letter has been annexed as Annexure-3. It has further been submitted that the petitioner has already superannuated from service on 31.03.2011.

In such circumstances, there is no direct involvement of this petitioner in the aforesaid occurrence as he was not posted at the relevant time and, in fact, after joining on 10.07.2009, he wrote letter to the Chief Engineer, Water Resources Department, Bhagalpur, for necessary inspection before making payment.

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.10 of 2015 arising out of Vigilance Patna P.S. Case No.48 of 2015, 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 I/c Special Judge, Patna, 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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