

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48802 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -VIGILANCE District- PATNA

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Balram Pd. Rai @ Baliram Pd Rai, Son of Late Jamuna Rai, R/o Village-Sher, P.O. Sher (Shriya), P.S. Shidhwaliya, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Superintendent of Police-Cum-Station House Officer, Vigilance Investigation Bureau, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Adv.
Mr. Arvind Kumar Sharma, Adv.

For the State : Mr. R.B. Roy Raman, APP

For the Vigilance : Mr. Ramakant Sharma, Sr. Adv.
Mr. Amresh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-11-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Vigilance P.S. Case No. 105 of 2016, disclosing offences under Sections 420, 467, 468, 471, 472, 477A, 409 and 120B of the Indian Penal Code and Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act, 1998.

The petitioner is the Secretary of the Governing



Body of Bisheshwar Dayal Sinha Memorial Mahila College, Chapra. The college is affiliated with Jai Prakash University, Chapra. The allegation is that the college had affiliation in six subjects and the Government had released grant-in-aid to the said college against those subjects only. However, the petitioner, in connivance with others, distributed the amount, so received, amongst teachers in subjects other than those six.

Learned counsel for the petitioner has submitted that registration of the First Information Report is misconceived, in view of the fact that the authorities failed to take note of a subsequent decision, whereby, affiliation was granted in other subjects also, which was approved by the State of Bihar. He has also submitted that the amount, so received, has been disbursed amongst the teachers of the college, through cheque and, therefore, no case of misappropriation of money is made out, on the basis of what has been alleged. He has further submitted that the petitioner cannot flee from the course of investigation or trial, in view of his position and there is no chance of tampering with the evidences, which are based on documents only.

Learned Counsel, appearing on behalf of the Vigilance, on the other hand, has opposed the prayer for



anticipatory bail.

Considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Special Judge, Vigilance, North Bihar, Muzaffarpur**, in connection with **Vigilance P.S. Case No. 105 of 2016, giving rise to the Special Case No. 47 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself/herself before the police/Court, as the case may be, as and when required and in the event of failure on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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