

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37012 of 2017

Arising Out of PS.Case No. -102 Year- 2016 Thana -VIGILANCE District- PATNA

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Md. Gholam Mustafa son of late Sadiruddin Ahmad, Resident of Village-Sahebganj, Champanagar, P.S.- Kotwali, Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar Through The Vigilance Department, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.,Vigi)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 10-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Special Case No. 44 of 2016 arising out of Vigilance P.S. Case No. 102 of 2016 instituted for the offence under Sections-420, 467, 468, 471, 472, 477(A), 409, 120(B) of the Indian Penal Code and Section-13(2) read with 13(1) (d) of Prevention of Corruption Act, 1988.

It has been submitted that the petitioner served as Registrar for two terms i.e. between 19-07-2006 to 09-06-2006 and 25-10-2008 to 08-10-2009 (Annexure-3). It has been pointed out by the petitioner that vide Annexure-1 of the FIR, money was first sent by the government to the university on 12-03-2010 (Annexure-4).

As per allegation, the money which was sent by the informant to the university for payment of salary and etc. for teaching and non-teaching staff has been misappropriated by the Lok Maha Vidyalaya Hafizpur, Banipur, Saran. As such, from the written report itself, it appears that this petitioner was a Registrar in Jai Prakash University and he has no concern with the distribution of the aforesaid money. Moreover, from Annexure-3, it



appears that he was no more Registrar of the aforesaid university since 12-03-2010 when the money was sent to the university by the government of Bihar as appearing from Annexures-4 & 5 of the petition.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his 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. 44 of 2016 arising out of Vigilance P.S. Case No. 102 of 2016 to the satisfaction of learned Special Judge, Vigilance, North Bihar, Muzaffarpur 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) 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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