

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32377 of 2017

Arising Out of PS.Case No. -147 Year- 2016 Thana -TARAIYA District- SARAN

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1. Ram Swaroop Singh, son of Hardev Singh, resident of Village- Dharmpur, P.S.- Madhauda, District- Saran, presently posted as Panchayat Secretary, Gram Panchayat Raj- Narayanpur, District- Saran (Chapra).
 2. Harendra Singh, son of Late Sukhilal Singh, resident of Village- Bethui Nayatola, P.S.- Maker, District- Saran, presently posted as Panchayat Secretary, Gram Panchayat Raj- Saraiya Ratnakar, District- Saran (Chapra).
 3. Lalan Singh @ Lalan Kumar Singh @ Lallan Singh, son of Late Sitaram Singh, resident of Village- Parshurampur, P.S.- Amnaur, District- Saran, presently posted as Panchayat Secretary, Gram Panchayat Raj- Panchraur, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through the Vigilance Investigation Bureau, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Smt. Indu Kumari Srivastava, APP
Mr. Rama Kant Sharma, LO, I/c, Vigilance

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 14-07-2017

Heard learned counsel for the Petitioners and the State as well as learned Sr. Counsel appearing on behalf of the Vigilance.

The Petitioners apprehend their arrest in Special Case No.30 of 2016 arising out of Taraiya P.S. Case No.147 of 2016 instituted for the offence under Section(s) 420, 120-B, 201 Indian Penal Code and Section 13(2) / 13(1) (D) of Prevention of Corruption Act.



It has been submitted that another co-accused with similar allegation has been granted anticipatory bail by this Court vide order dated 17.03.2017 passed in Cr. Misc. No.9333 of 2017.

As per allegation, the petitioners, who are the Panchayat Secretary, did not submit relevant records with regard to appointment of teachers from the year 2006 till date.

It has been submitted by the counsel for the petitioners that the petitioners were not posted at the relevant time, which is evident from the First Information Report itself.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Special Case No.30 of 2016 arising out of Taraiya P.S. Case No.147 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance, North Bihar, Muzaffarpur, 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) 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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