

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46395 of 2017

Arising Out of PS. Case No.-255 Year-2011 Thana- KHAZANIHAT District- Purnia

Kanhaiya Lal Agrawal @ Kanihya Lal Agrawal Son of Late Kishori Lal Agrawal, R/o Sahu Raod, Shree Chand Land, P.O. Ramna, P.S.- Sadar, Town and District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Through The Vigilance

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal

For the Opposite Party/s : Mr. RAMA KANT SHARMA(L.O, I/C VIG.)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-10-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Special Case N0. 110 of 2017/17 of 2011 arising out of K.Hat. P.S. Case No. 255 of 2011, disclosing offences under Sections 119,120B,406,409 of the Indian Penal Code and Sections 7/13 of the Prevention of Corruption Act.

Learned counsel for the petitioner has made two submissions. According to him, the occurrence is of 1993 for which the First Information Report has been registered in 2011. The petitioner, who was at the relevant point of time, Electrical Superintending Engineer posted at Purnia has superannuated in the year 1997 itself. He accordingly submits that the petitioner should be allowed anticipatory bail since there is no chance of



his abscontion from the course of investigation or trial.

Learned counsel appearing on behalf of the Vigilance Investigation Bureau has submitted that the charge-sheet has already been submitted by the Bureau. He has also submitted that this application for anticipatory bail filed after six years of the lodging of the First Information Report should not be entertained by this Court.

However, considering the admitted position that charge-sheet has already been submitted and there is no allegation that the petitioner ever attempted to avoid the course of investigation. I do not think any purpose would be served if the petitioner is taken into custody at this point of time.

This application is, accordingly, allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Vigilance) Ist, Patna, in Special Case No. 110 of 2017/17 of 2011, arising out of K.Hat P. S. Case No. 255 of 2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



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

(Chakradhari Sharan Singh, J)

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