

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56076 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -VIGILANCE District- PATNA

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1. Rajiv Ranjan Prakash S/o Sri Ram Chandra Ram, R/o B/502 Ram Jaipal
nagar, Gola Road, P.S.- Rupaspur, District- Patna Petitioner

Versus

1. The State of Bihar Through The Cabinet Vigilance, Bihar, Patna.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 13-12-2017

Heard both sides.

The petitioner apprehends his arrest in Special Case No. 3 of 2017 arising out of Vigilance P.S. Case No. 1 of 2017 registered under Sections 409, 406, 420, 467 and 468 of the Indian Penal Code and 13(2) read with 13(2)(c)(d) of the Prevention of Corruption Act, 1988.

The learned counsel for the petitioner submits that the gist of allegation is that the Chairman and other members of Nagar Parishad, Siwan, purchased different articles worth Rs.3,87,01,125/- without valid proposal. It is, further, submitted that the petitioner is the Executive Officer of Nagar Parishad, Siwan. The Chairmn and other elected members of Nagar Parishad, Siwan, resolved to purchase different articles. The petitioner being the Executive Officer of Nagar Parishad, Siwan, was to only follow the dictates of the Chairman and others, in view of the provisions, as contained in Section 36 of the Bihar Municipal Act. It is, further, submitted that the Chairman and other officials of Nagar Parishad, Siwan, such as, Anuradha Devi, Karnjeet Singh, Abhinav Srivastava. Babloo Srivastava and



Pramod Kumar, who have taken decision to purchase different articles have already been granted anticipatory bail by this Court vide order, passed in Cr. Misc. No. 24476 of 2017 and other criminal miscellaneous applications. The case of the petitioner stands on better footing as the petitioner has not taken any decision and he is simply obeyed the order of the elected body.

On the other hand, the learned counsel for the Vigilance vehemently opposed the prayer for anticipatory bail.

Having considering the facts that the petitioner being the Executive Officer of Nagar Parishad, Siwan, followed the decision of the elected body and the petitioner did not take any independent decision to purchase any articles rather the Chairman and other elected body of Nagar Parishad, Siwan took decision for purchasing different articles worth more than rupees three crores and odd and they have already been granted anticipatory bail, the petitioner, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Special Case No. 3 of 2017** arising out of Vigilance P.S. Case No. 1 of 2017 to the satisfaction of **Special Judge, Vigilance, North Bihar, Muzaffarpur**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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