

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24241 of 2017

Arising Out of PS.Case No. -93 Year- 2016 Thana -VIGILANCE District- PATNA
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1. Mira Kaur, W/o Vivek Sagar Singh, resident of Mochi Tola, Sasaram,
PS- Town, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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with

Criminal Writ Jurisdiction Case No.604 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA
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1. Nazia Begum, Wife of Mohammad Ali, Resident of Mohalla- Zakki Shahid, Ward No. 29, P.O. Sasaram, P.S. Sasaram Town, District- Rohtas at Sasaram, presently Chief Councilor, Nagar Parishad, Sasaram, District- Rohtas at Sasaram.
2. Rita Sinha, Wife of Late Suresh Chandra Sinha, Resident of Santoshi Maa Path, Gaurakshani, Ward No. 5, P.O. Sasaram, P.S. Sasaram Model, District- Rohtas at Sasaram, presently Ward Councilor of Ward No. 5, Nagar Parishad, Sasaram, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Additional Director General of Police, Vigilance, Bihar, Patna.
3. The Superintendent of Police-cum-Station Head Officer, Vigilance Police - Station, Patna.
4. The Investigating Officer, Vigilance Investigation Bureau, Bihar, Patna.
5. The Jail Superintendent, Adarsh Central Jail, Beur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal
For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,Inc.,Vigilance)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

7 31-08-2017 Heard the learned counsel for the petitioners and the,

learned counsel appearing for vigilance.



The petitioners apprehend their arrest in connection with Vigilance P.S. Case No. 93 of 2016 pertaining to Special Case No. 53 of 2016 registered under Sections 420, 406, 409, 467, 468, 471/120(B) of the Indian Penal Code and Sections 13 (1) (c) (d) and 13 (2) of the Prevention of Corruption Act.

The accusation is that in vigilance enquiry it was detected that in purchase of Laptop, High Mast Light, Decorative Pole Street Light, L.E.D. Light and ready made Urinals, illegality was committed by the Chief Councilor, Deputy Councilor and Councilors of Municipality, Sasaram. As the said materials were purchased on high price than on line advertised price.

Learned counsel for the petitioner submits that four councilors along with Chief Councilors and Deputy Councilor and Councilors have been made accused in purchasing the materials as detailed in the FIR on high price than the price of online advertised. In fact, for purchasing all items detailed in the F.I.R. tender was invited and purchased on the facts of opening the tender on lowest price. The tender, issued by Chief Executive Officer, Sasaram. In the FIR the petitioner, who is lady, being the councilor, has only put her signature over the documents relating to tender. It has further submitted that petitioner has no criminal antecedent.



Learned counsel for the Vigilance opposes the prayer of anticipatory bail of the petitioner with a submission that the materials as detailed in the F.I.R. were purchased in high price than the price available on online but has not disputed the fact that materials were purchased on inviting the tender on lowest price, submitted by different persons.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Special Judge, Vigilance 1st Patna in connection with Vigilance P.S. Case No. 93 of 2016 Special Case No. 53 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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