

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46109 of 2017

Arising Out of PS.Case No. -100 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Md. Gholam Mustafa Son of Late Sadiruddin Ahmad, resident of
Sahebganj, Champanagar, PS- Kotwali, Bhagalpur.

.... Petitioner/s

Versus

1. 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.,Vigilance)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Special Case No. 42 of 2016 arising out of Vigilance P.S. Case No. 100 of 2016 instituted for the offence under Sections-420, 467, 468, 471, 472, 477(A), 409, 120(B) of the Indian Penal Code and 13(2) read with 13(1)(d) Prevention of Corruption Act, 1988.

It has been submitted that at the relevant time, the petitioner was Registrar, J.P. university, Chapra. He has no role in defalcation of the amount which was sent to the government aided colleges through university. It has further been submitted that the money was sent through the university in the year, 2015 whereas; this petitioner has already ceased to be Registrar of the university since 2009. It has further been submitted that other co-accused have already been granted anticipatory bail by coordinate benches of this court.



From the written report, it appears that there is no any specific allegation of overt act against the petitioner.

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. 42 of 2016 arising out of Vigilance P.S. Case No. 100 of 2016 to the satisfaction of learned Spl. 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 (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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