

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47971 of 2017

Arising Out of PS.Case No. -73 Year- 2013 Thana -VIGILANCE District- PATNA

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1. Damodar Prasad Chaudhary, son of late Ram Bhajan Chaudhary, R/o
Village- Dariyapur Kafan, P.S.- Kudhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, L.O.,I/c, Vigilance

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2/ 17-10-2017

Heard learned counsel for the petitioner and learned

APP for the Vigilance.

Petitioner apprehends his arrest in **Special Case No.43 of 2013 arising out of Vigilance Case No.73 of 2013** instituted for the offence under Section(s) 420, 467, 468, 471, 201, 120-B Indian Penal Code, Section 13-2 read with Section 13(1(D) of Prevention of Corruption Act, 1988.

It has been submitted that petitioner is not beneficiary in the entire deal. Beneficiary, Surendra Choudhary, has already been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 21.01.2015 in Cr. Misc. No.2785 of 2015.

Petitioner was Revenue Clerk in the year 1982,



when the alleged mutation had taken place on the basis of forged sale deed filed by Surendra Choudhary, alleged to have been executed by Mahendra Choudhary. Case has been registered in 2008.

From the written report itself, it appears that petitioner is not beneficiary in the aforesaid transaction.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Special Case No.43 of 2013 arising out of Vigilance Case No.73 of 2013**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) 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) petitioner 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 petitioner 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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