

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14331 of 2018

Arising Out of PS. Case No.-299 Year-2007 Thana- SHEKHPURA District- Sheikhpura

=====

Binit Kumar S/o Suraj Prasad Singh R/o House No. 15, Road No.02, White House Compound , P.S.- Rampur , District- Gaya, presently residing at Surya Niwas, Tilha Mahavir Asthan, Beldari Tola, P.S.- Civil Line, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Through Vigilance, Bihar, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari
For the Vigilance : Mr. Amresh Kumar, AC to L.O., Vigilance.

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 06-04-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in **Spl. Case No. 31 of 2009** arising out of **Sheikhpura P.S. Case No. 299 of 2007** registered for the offence punishable under Sections 409, 420 and 120B of the Indian Penal Code and Section 13(2) read with section 13(1)(d) of the Prevention of Corruption of Act, 1988.

It has been submitted on behalf of the petitioner that the petitioner was transferred to Rural Development Special Division, Sheikhpura under the control of the then Executive Engineer, who just after petitioner's joining started vexing and harassing him and always put pressure on the petitioner to oblige him in terms of money which ultimately led to the



Executive Engineer's arrest by a vigilance team as is evident from Vigilance P.S. Case No. 77 of 2006 lodged by the Dy. S.P. cum Raiding Party-in-charge of I.B. Vigilance, Patna against the Executive Engineer. The then Executive Engineer was having bias and malice against the petitioner which fact is amply evident from his two letters which has been annexed as Annexure-4 and 4A to this petition, whereby the petitioner was directed during the midst of the project work to return the amount allotted to him for completion of those Projects/Schemes. It has further been submitted that the petitioner has completed 70 per cent of the work allotted to him and has already submitted Measurement Book for a total sum of Rs. 42,68,848/-, which were duly received in the Office of the Executive Engineer, Sheikhpura, which fact would be evident from perusal of the details of Measurement Book submitted by the petitioner dated 25.04.2006, 03.01.2007, 08.02.2007 and 22.02.2007.

Learned counsel for the Vigilance Department vehemently opposes the prayer for bail stating that in the past, petitioner was allowed provisional bail, but he did not surrender within time granted by the Court.

Considering the aforesaid facts and circumstances of



the case, let the petitioner named above be released on bail upon
furnishing bail bond of Rs. 10,000/-(ten thousand) with two
sureties of the like amount each to the satisfaction of learned
Special Judge, Vigilance-II, Patna, in connection with **Special**
Case No. 31 of 2009 arising out of **Sheikhpura P.S. Case No.**
299 of 2007.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

