

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32280 of 2018

Arising Out of PS.Case No. -59 Year- 2012 Thana -VIGILANCE District- PATNA

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Jamuna Ram S/o Late Bala Ram, Resident of Vill.- Gawal Bigha, P.S.-
Civil Lines, Gaya, District- Gaya, at present R/o Bihar State Homeopathic
Board Building, Kadamkuan, Patna.

.... Petitioner

Versus

The State of Bihar Through The Vigilance.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 13-06-2018

Let a supplementary affidavit filed by the
petitioner be taken on the record.

Heard learned counsel for the petitioner and
learned senior counsel along with learned assisting counsel
on behalf of the Vigilance Investigation Bureau.

This application has been filed for the grant of
regular bail to the petitioner in connection with Special
Case No. 24/2012, arising out of Vigilance P.S. Case No.
59/2012 registered for the offences punishable under
Sections 467, 468, 120(B) of the Indian Penal Code and
Section 13(2) read with Section 13(1)(d) of Prevention of
Corruption Act, 1988, pending in the court of learned
Special Judge, Vigilance - 1st, Patna.



Learned counsel for the petitioner submits that this petitioner was made an accused in Vigilance P.S. Case No. 20/2011 and 52/2011 on the allegation of taking bribe, however in both the cases he has been granted regular bail by a co-ordinate Bench of this Court in Cr. Misc. No. 18304/2011 and Cr. Misc. No. 39226/2012.

It is submitted that after petitioner was granted regular bail by the learned co-ordinate Bench of this court in both the cases, a fresh F.I.R. has been lodged giving rise to the present case being Vigilance P.S. Case No. 59/2012 on 14.08.2012. It is submitted that a bare perusal of the F.I.R. in the present case would show that the whole F.I.R. clusters around the allegations that Dr. Binod Singh, the co-accused, who was posted as Registrar Incharge of the Bihar State Homeopathic Board, Kadamkuan, Patna had posted this petitioner again on the same post. It is alleged that after the petitioner was released from jail and his suspension was revoked on 18.06.2011, he was again given the same work and thereafter he was found taking bribe on 04.08.2011 for which the earlier Vigilance case was registered. Again when this petitioner was placed under suspension and his suspension was later on revoked, the Incharge, Registrar



Dr. Binod Singh, in violation of the guidelines of Personnel and Administrative Reforms Department, Government of Bihar, did not take any action against this petitioner.

Learned counsel points out that in fact the present F.I.R. is not with regard to any fresh allegation of either taking bribe or indulging in any act or omission. According to him, the allegations made in the F.I.R. are all about his postings on the same post after revocation of his suspension and such alleged acts or omissions have been directed against Dr. Binod Singh, the then Registrar Incharge. Learned counsel has placed before this court a copy of the order dated 01.03.2013 passed in Cr. Misc. No. 4432/2013 in the case of Dr. Binod Singh whereunder he was granted privilege of anticipatory bail by a co-ordinate Bench of this court. It is submitted that a bare reading of the F.I.R. would show that in fact the allegations are more pointed against Dr. Binod Singh alleging that he had posted the petitioner on the said post after revocation of suspension thereafter this petitioner had indulged in the corrupt practice. It is submitted that once Dr. Binod Singh has been granted privilege of anticipatory bail, the case of the petitioner for grant of regular bail requires to be considered



keeping the same as a matter of consideration.

On the other hand, learned senior counsel representing the Vigilance Investigation Bureau opposed the prayer for grant of regular bail to the petitioner, however on the question of allegations mentioned in the F.I.R. he fairly agrees that the allegations are as regards the postings of the petitioner on the same post by Dr. Binod Singh, the then Registrar Incharge of the Bihar State Homeopathic Board, Patna, and so far as this F.I.R. is concerned, it does not contain any fresh allegation of taking bribe from any person after release of the petitioner in those two cases by virtue of the order of this court.

Having considered the submissions made at the bar, this court is of the view that in the facts and circumstances of the case where there is no fresh allegation of taking bribe after release in those two cases by the order of this court and that Dr. Binod Singh, the co-accused, has been granted privilege of anticipatory bail, the case of the petitioner for grant of regular bail is required to be considered keeping the same in mind.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing



bail bond of Rs. 25,000/- (twenty five thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance – 1st, Patna, in connection with Special Case No. 24/2012, arising out of Vigilance P.S. Case No. 59/2012.

(Rajeev Ranjan Prasad, J.)

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