

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49380 of 2017

Arising Out of PS.Case No. -533 Year- 2011 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Dr. Shyam Kumar, Son of Barmeshwar Prasad, Resident of Village-Bhabhua, Ward No.-11, Police Station-Bhabhua, District-Kaimuar.

.... Petitioner/s

Versus

The State of Bihar Through The Department of Vigilance, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,I/C. Vigi)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-02-2018 Heard the learned counsel for the petitioner and the learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Special Case No. 7 of 2012 arising out of Bhabhua PS case no. 533 of 2011 dated 24.12.2011 registered for the offences punishable under Sections 420, 409, 467, 468, 471/34 and 120(B) of the Indian Penal Code and Section 12(1)(D) of Prevention of Corruption Act, 1988.

The allegation is regarding defalcation of the amount of Family Planning (Sterilization) Scheme and the Mother and Child Security Scheme. The main allegation is against the Civil Surgeon, Kaimur at Bhabhua namely, Dr. Uchit Lal Mandal.

The learned counsel for the petitioner submits that no allegation whatsoever has been levelled regarding either receiving



any amount or indulging in embezzlement of any amount as far as the petitioner herein is concerned. The allegation whatsoever is against other co-accused persons. It is further submitted that the petitioner is having a clean antecedent.

The learned counsel for the Vigilance has submitted that the allegation of defalcation has been levelled against the then Civil Surgeon, Kaimur at Bhabhua.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of this order, the petitioner above named is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance 1st, Patna in connection with Special Case No. 7 of 2012 arising out of Bhabhua PS case no. 533 of 2011, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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