

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52589 of 2017

Arising Out of PS.Case No. -22 Year- 2010 Thana -VIGILANCE District- PATNA

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Ram Ayodhya Sharma @ Lalan Sharma, Son of Late Hriday Narayan Sharma, Proprietor M/s Patliputra Construction, Resident of Mohalla-Dhakanpura, A/7 Magadh Vihar, P.S.- Gardaniabagh, District- Patna Owner of M/s Patliputra Construction.

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Special Case No. 17 of 2010 arising out of Vigilance P.S. Case No. 22 of 2010** instituted for the offence under Sections 13(2) read with 13(1)(c) and (d) of the Prevention of Corruption Act, 1988, Sections 4, 8 and 12 of Bihar Prevention of Special Corrupt Practices Act, 1983.

The main allegation levelled against this petitioner is that he in connivance with the then Director, Purchase Store, Water Resources Department, Bihar, Patna, namely, Somendra Baksi in order to get the work in his favour, gave adverse report about other companies and committed fraud and got letters issued



to different District Industries Centres on 2.3.2009, only with a view to get negative report in respect of other companies to whom the tender was earlier allotted.

Learned counsel for the petitioner has submitted that aforesaid allegation do not attracts Section 13(1)(c)(d) of Prevention of Corruption Act against this petitioner as there is no allegation of demand of illegal gratification nor any allegation of accepting of the illegal gratification nor there is any allegation of misappropriation of amount.

Learned counsel for the vigilance has appeared and opposed prayer for anticipatory bail.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Special Case No. 17 of 2010 arising out of Vigilance P.S. Case No. 22 of 2010**, he shall be released on anticipatory bail on 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 1st, Patna**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

S.Ali/-

(Sanjay Priya, J)

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