

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18102 of 2017

Arising Out of PS.Case No. -163 Year- 2009 Thana -CHHATAPUR District- SUPAUL

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1. Ramjee Prasad Mandal Son of Late Fudan Mandal, Resident of Village-
Harihar Patti, P.O.- Gonha, P.S.- Triveniganj, District- Supaul (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Director General, Vigilance Investigation
Bureau, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 09-04-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Special Case no.04 of 2011 arising out of Chhatapur P.S.Case
No.163 of 2009, registered for offences punishable under Sections
406, 409, 419, 420, 120B, 467 and 468 of the Indian Penal Code.

The petitioner was Revenue Officer-cum-Circle Officer,
Supaul and allegation against him is that two cheque books
containing 33 cheques in connection with distribution of Flood
Relief Fund was found missing.

Submission of the learned counsel for the petitioner is that
he had already handed over all the documents after relieving on
30.6.2009 as he had been asked to hand over the charge to the new
incumbent, accordingly, he handed over the charge including two



bundles of cheques containing 33 cheques, which are missing. At the instance of the petitioner, the present case has been lodged, as such the petitioner is nowhere responsible for the same and the beneficiaries, who received money against the same cheques were issued have already been granted bail by this Court on payment of the amount which they have withdrawn.

Heard learned A.P.P. and the learned counsel for the Vigilance also. They have opposed the prayer for bail but admitted that some cheques have been deposited by the beneficiaries and they have been granted bail and also conceded that it is the petitioner who has informed about missing of the cheques.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of order and on his surrender he will be released on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Vigilance-II, Patna in connection with Special Case No.04 of 2011, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure, on condition that on submission of the charge-sheet, once the case is



found true against the petitioner, the petitioner has to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below on the basis of materials available at that time.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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