

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28624 of 2018

Arising Out of PS.Case No. -48 Year- 2017 Thana -VIGILANCE District- PATNA

- =====
1. Binod Kumar @ Binod Kumar Singh, S/o Sri Shiv Pujan Singh, R/o Village- Gorpa, Gyani Bigaha, P.S.- Agarar, District- Rohtas, at present posted as Panchayat Rojgar Sewak at Karagahar, P.S.- Karagahar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance Department, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Choubey Jawahar, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, L.O.,I/c, Vigilance

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 27-06-2018

Heard learned counsel for the petitioner and learned counsel for the Vigilance.

Petitioner apprehends his arrest in **Vigilance P.S.**

Case No.48 of 2017 instituted for the offence under Section(s) 420, 406, 409, 467, 468, 120-B Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

Counsel for the petitioner has stated in para 11 of the bail petition that an objection petition had been filed before the Executive Engineer, Rohtas, for correction of the amount, which was mentioned in the letter dated 15.03.2016. The Senior Officer of DRDA after looking into the objection petition



corrected the amount to Rs.5,15,344/- and directed the Programme Officer, Dinara, to collect 50% from Mukhiya and Rojgar Sevak, 20% from Panchayat Technical Assistant, 10% from Junior Engineer, 10% from Assistant Engineer and 10% from Programme Officer.

Counsel for the petitioner has submitted that petitioner is Panchayat Rojgar Sevak on contractual basis and is getting Rs.5,400/- per month. He is ready to make payment of his liability i.e. 25% in five equal installments. He has already made payment of rupees five thousand on the direction of Senior Officer of the department. It is further submitted that similarly situated other accused have been granted bail by this Court by order dated 04.12.2017 passed in Cr. Misc. No.48468 of 2017

Counsel for the Vigilance has submitted that Executive Engineer, DRDA, be directed to make assessment of 50% of the dues amount and the petitioner be directed to make payment of 25% of the same in five equal installments.

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. **Special Judge, Vigilance, 1st, Patna**, within a period of eight weeks from today in connection with **Vigilance P.S. Case No.48 of 2017** along with valid receipt showing payment of



first installment of 25% of his liability and, in that event, the Court below will release the petitioner on provisional anticipatory bail for a period of six months on the surety to be fixed by the Court below itself. Both bailors of the petitioner shall be the close relative of the petitioners.

Thereafter, petitioner will make payment of the remaining amount in five equal monthly installments. After payment of the entire amount i.e. 25% liability of the petitioner, provisional anticipatory bail of the petitioner will be confirmed.

It is made clear that in the event the petitioner does not surrender along with valid receipt showing payment of 1st installment of 25% liability or he defaults in making payment of single installment, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

