

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4526 of 2018

Arising Out of PS.Case No. -20 Year- 2017 Thana -VIGILANCE District- PATNA

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1. Jai Prakash Yadav, S/o Late Gauri Yadav, R/o Village- Lal Darwaja, P.S.- Munger Kotwali, District- Munger , Presently posted as Peon in District Rural Development Authority, Munger, District- Munger.

2. Ramashish Yadav S/o Sri Rashed Prasad Yadav, R/o Mohalla- Shastri Nagar, P.S.- Munger Kotwali, District- Munger, presently posted as Jeep Driver in District- Rural Development Authority, Munger, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar Through The Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-02-2018 Heard the learned counsel for the petitioners, the learned A.P.P. for the State and the learned counsel for the Vigilance.

This is an application for grant of anticipatory bail in connection with Vigilance PS case no. 20 of 2017 registered for the offences punishable under Sections 409, 109 and other sections of Indian Penal Code and Section 13(2) r/w section 13(1)(c)(d) of Prevention of Corruption Act, 1977.

The case of the prosecution is that according to the inquiry held by the Vigilance Investigation Bureau, it was found that on the strength of authority letter dated 21.03.2007, the



employees of D.R.D.A. in different districts had got the benefits of A.C.P. and in the process, government money was defalcated. As far as the present petitioners are concerned, it was found that they are the beneficiaries of the said grant of A.C.P.

The learned counsel for the petitioners submits that the said amount which is said to have been illegally taken by the petitioners under the head of A.C.P. has already been returned back. It is further submitted that in any case, it is the prerogative of the employer to cancel the illegally granted benefit of A.C.P. and recover money and for the same, no criminal case is made out.

Per contra, the learned counsel for the Vigilance has submitted that the possibility of embezzlement and cheating cannot be ruled out.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge 1st Vigilance, Patna in connection



with Vigilance P.S. case no. 20 of 2017 subject to the conditions
as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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