

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3503 of 2018

Arising Out of PS.Case No. -102 Year- 2016 Thana -VIGILANCE District- PATNA

=====

Smt. Uma Pandey (then Secretary), W/o Late Fulena Pandey, R/o Village-Ibrahimpur , P.S.- Baniyapur, District- Chhapra at present residing at Sachivalaya Colony, House No. 0/543, P.S.- Patkar Nagar (Hanuman Nagar), Kankarbagh, Patna-3.

.... Petitioner/s

Versus

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

.... Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8 28-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in **Special Case No. 44 of 2016 arising out of Vigilance P.S. Case No. 102 of 2016** instituted for the offence under Sections 420, 467, 468, 471, 472, 477(A), 409, 120(B) of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner has submitted that petitioner is lady. She was Secretary of the College from 20th July, 2009 to 29th March, 2011. The full fledged governing body was constituted by the University by its notification dated 29th March, 2011 in which the name of the petitioner does not figure.



The allegation as made in the First Information Report is that during the session 2005-08, 45 non-teaching employees, for the session 2006-09(A), 48 non-teaching employees, for the sessions 2006-09(B), 51 non-teaching employees and for the session 2007-10, 46 non-teaching employees have been given benefit of grant as received from the State Government whereas those posts were not sanctioned by the State Government.

Learned counsel for the petitioner has submitted that even if allegation may be considered to be correct, the petitioner was not responsible for distribution of grant for academic session 2005-08 which was distributed from 5th June 2010 to 4th July, 2011.

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

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. 44A of 2016 arising out of Vigilance P.S. Case No. 102 of 2016**, she 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)**



North Bihar, Muzaffarpur, 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.

(Sanjay Priya, J)

S.Ali/-

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

