

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7807 of 2018

Arising Out of PS.Case No. -515 Year- 2017 Thana -GANDHIMAIDAN District- PATNA

=====

Rajesh Kumar S/o Late Raj Nandan Prasad, R/o Mohalla- Postal Park,
Budha Nagar, Road No.1, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

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

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha

For the Opposite Party/s : Mr. Sri Satyavarat Verma

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

4 05-03-2018 Heard learned counsel for the petitioner, State
and learned counsel for the Vigilance.

The petitioner has been in custody since 22.11.2017 in connection with Special Case No. 349 of 2017 arising out of Gandhi Maidan P.S. Case No. 515 of 2017 for the offence registered under Sections 467, 468, 471, 409, 420 and 120(B)/34 of the Indian Penal Code & under Section 13(1) (c) (d) read with Section 13(2) of the Prevention of Corruption Act.

Diary of the present case was called for which has since been received.

Learned counsel for the petitioner submits that the petitioner is not named in the first information report but subsequently, in the confessional statement made before the police by one Biteshwar Singh, the petitioner's name has



surfaced and as a result of which, petitioner is facing prosecution. It is further submitted that nothing has been recovered from the petitioner and between the period of transaction alleged to have been made i.e. 01.05.2016 to 23.06.2016, the petitioner has not dealt with a single file or has been involved in any transaction leading to the defalcation, as alleged in the first information report. He further submits that only on the basis of the confessional statement made before the Investigating Agency by the co-accused, the petitioner is being prosecuted in connection with the present case.

Learned counsel for the State after perusal of the case diary submits that save and except the confessional statement, there is nothing on record to show that the petitioner had in fact involved in the transaction or he was connected with the transfer of money from the account of the PHED to the account of the various recipients of the alleged fraudulent transaction. He further submits that nothing has been found to have been transferred to the account of the present petitioner and he is merely a postal clerk, who communicates the order as passed by the Superior Officer.

Having considered the entire facts and



circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance 1st, Patna in connection with Special Case No. 349 of 2017 arising out of Gandhi Maidan P.S. Case No. 515 of 2017, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and



in case of failure, the State shall be at liberty to
move for cancellation of bail.

(Anjana Mishra, J)

Jagdish/-

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

