

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61985 of 2017

Arising Out of PS.Case No. -322 Year- 2016 Thana -BUXAR District- BUXAR

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1. Si. 658 Jitendra Kumar @ Jitendra Kumar, Son of Banarsi Choudhary,
Resident of Village- Chhoti Baliya, Mir Sikar Tola, P.S.- Baliya, District-
Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The D.G., Vigilance, Government of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13 Mr. Rohit Kumar
For the State	:	Mr. Sri Bharat Bhushan, APP
For the Vigilance	:	Mr. Amresh Kumar Sharma

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-01-2018 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the State and learned counsel for
the Vigilance.

The petitioner is in custody since 08.11.2017 in
connection with Buxar Town P.S. Case No. 322 of 2016
registered for the offences punishable under Sections 223, 224,
384/34 of the Indian Penal Code and Sections 13(1) A/D (i) (ii)
of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the
petitioner had earlier moved before this Court for grant of pre-
arrest bail, which was dismissed as withdrawn on 16.12.2016.



He further submits that subsequent thereto, the petitioner was proceeded in departmental proceeding and in the said departmental proceeding the petitioner is said to have been dismissed. He further submits that in pursuance of the F.I.R. filed against him, the petitioner was then taken into custody and he is languishing in jail since 08.11.2017. It is further urged that in view of the fact that the investigation is complete, the petitioner may be extended to the privilege of regular bail.

Opposing the application for regular bail, learned counsel appearing on behalf of the State submits that the petitioner had withdrawn the earlier application for anticipatory bail in the year 2016 itself. The petitioner did not appear in the court below for seeking bail for a period of one year and few days and thereafter, in view of his recalcitrant attitude, the petitioner does not deserve the privilege of bail.

Learned counsel for the Vigilance, however, submits that now investigation has been completed and charge-sheet has already been submitted in the present case.

Having regard to the entire facts and circumstances of the case and in view of the fact that the charge-sheet already stands submitted and the matter is placed before the trial court, this Court is of the opinion that no fruitful purpose will be



served by keeping the petitioner behind the bars.

It is, accordingly, directed that the petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance 1st, Patna in connection with Buxar Town P.S. Case No. 322 of 2016.

It is, however, made clear that the petitioner shall furnish at the time of filing of his bail bonds his correct and present address and shall also keep notifying the Court of his movements. It is made clear that one of the relatives of the petitioner i.e. his father/mother/wife or son, if major, shall be one of his bailors. It is further directed that the petitioner shall appear on all dates before the court below and in case of his absence on two consecutive dates without obtaining leave of the court, it would be open to the court below to take appropriate steps to cancel the order of the bail. It is also made clear that the petitioner shall not leave the State without obtaining permission of the court or Vigilance Court, Patna.

(Anjana Mishra, J)

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