

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20762 of 2018

Arising Out of PS.Case No. -48 Year- 2015 Thana -VIGILANCE District- PATNA

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Dwijendra Kumar S/o Late Shiv Narayan Prasad , R/o village- Sukhashan
Via Kumarkhand , District- Madhepura, The then Assistant Engineer,
Irrigation Sub-division Tarapith.

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajneesh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Vigilance Police Station Case No. 48 of 2015 registered for the
offences punishable under sections 467, 468, 471, 409, 420,
120(B) of the Indian Penal Code and 13(2) r/w 3(1)(c) of
Prevention of Corruption Act.

It has been submitted that the alleged occurrence took
place in between 01.01.2009 to 18.01.2009 whereas the petitioner
had already given charge on 14.11.2008. He was posted as
Assistant Engineer during the period from 08.07.2005 to
14.11.2008 and during his period, he had passed bill with respect
to repairing work of Kharagpur Canal. The present case has been



lodged for non-supply of boulder during the period from 01.01.2009 to 18.01.2009 on which date the petitioner was admittedly not posted there. Similarly situated co-accused has already been allowed anticipatory bail by one of the coordinate Bench of this Court in Cr. Misc. No. 15967 of 2017 and so this petitioner also deserves anticipatory bail.

The learned counsel for the Vigilance on the other hand, opposed for anticipatory bail by submitting that the work order was issued during the period of posting of this petitioner.

Considering the nature of allegation and the fact that the alleged offence relates to period after the transfer of this petitioner from the concerned place, the prayer for anticipatory bail of the petitioner is allowed and he, in the event of arrest or surrender before the court below within a period of six weeks, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Vigilance, Patna in connection with Vigilance Police Station Case No. 48 of 2015, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code. Further condition is that (1) one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned



Court. (2) The petitioner will not induce any witness or tamper with the evidence. (3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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