

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70441 of 2018

Arising Out of PS. Case No.-10 Year-2012 Thana- VIGILANCE District- Patna

Kamleshwari Chaudhary @ Kamleshwari Pasi @ Kamleshwari Chaudhary (Pasi), Son of Late Fakira Pasi, resident of Village- Sohra, Police Station- Chandradeep, District- Jamui, the then Block Education Extension Officer, Barahat, P.S.- Barahat, District- Banka (Bhagalpur).

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. (Dr.) Amrendra Kumar
Mr. Jai Shanker Prasad, Advocates
For the Opposite Party/s : Mr. Anjani Kumar (L.O.,Inc.,Vigilance)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 13-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in Patna Vigilance P.S. Case No.10 of 2012 registered for the offence punishable under Sections 13(2) read with 13(1)(E) of Prevention of Corruption Act, 1988.

As per allegation, the petitioner was caught red handed by Vigilance team while he was taking bribe of Rs.5000/- on 23.03.2007 when he was posted as Block Education officer, Barhat, District, Banka. Thereafter, the house of the petitioner was searched by the vigilance team and from there cash and various documents of investments in movable and immovable assets were seized. After inquiry, the case has been registered against the petitioner on 27.01.2012 in respect



of alleged disproportionate assets worth Rs.20,00,959/-.

It has been submitted on behalf of the petitioner that the petitioner is innocent and he has falsely been implicated in this case due to planned conspiracy against him by his enemies of his own department. It has further been submitted that the Circle Officer has wrongly assessed the value of the property showing its value much higher than the actual one. It has further been submitted that the petitioner was residing separately with his wife Badamiya Devi from 15.03.1986 due to matrimonial dispute and her wife late Bedaiya Devi purchased the tractor in the month of August, 2010 on her own personal income from sell of toddy and, as such, he has nothing to do with the said tractor and earning of his late wife. Petitioner is also suffering from several diseases and he is an old person. Petitioner is in custody since 16.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, V-cum- Special Judge, Vigilance, Bhagalpur in connection with Patna Vigilance P.S. Case No. 10 of 2012 with following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the 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.

(S. Kumar, J)

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