

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22206 of 2018

Arising Out of PS. Case No. -34 Year- 2007 Thana -KORMA District- SEKHPURA

=====

Binit Kumar S/o Suraj Prasad Singh R/o House No. 15, Road No. 02,
White House Compound, P.S. Rampur, Distt. Gaya, presently residing at
Surya Niwas, Tilha Mahavir Asthan, Beldari Tola, P.S. Civil Line, Distt.
Gaya

.... Petitioner

Versus

The State of Bihar through Vigilance, Bihar, Patna

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Shri Prakash Tiwari, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 26-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 30.07.2015 in connection with Special Case No. 32 of 2009 arising out of Korma P.S. Case No. 34 of 2007 for the offences alleged under Sections 409, 420 and 120B of the Indian Penal Code and Section 13(2) read with section 13(1) (d) of the Prevention of Corruption Act, 1988.

3. It is submitted that the petitioner has been falsely implicated in connection with failure to complete different departmental works under M.P., M.LA and Councillor quota nor return of the amount of Rs. 3,67,500/- has been allowed for the purpose. It is submitted that the petitioner has been made accused in 4 Vigilance (Special) cases, namely, Special Case No. 29 of 2009 arising out of Barbiga P.S. Case No. 62 of 2007, Special Case No. 30 of 2009 arising out of Sheikhopur Sarai P.S. Case No. 25 of 2007 and Special Case No. 31 of 2009 arising out of Sheikhpura P.S. Case No. 299 of 2007 including the present one with similar allegations which are wholly incorrect and the petitioner has been implicated



by reason of disputes and difference with the then Executive Engineer, Sri Girdhari Prasad. As a matter of fact, the petitioner had already refunded the unutilized amount of Rs. 29,97,684/- to the said former Executive Engineer, Sri Girdhari Prasad, as evident from the letter of the successor Executive Engineer dated 27.12.2007 (Annexure-7). The said amount of Rs. 29,97,684/- has been refunded in five *Rukkas* (Annexure-6 series). The petitioner has already been granted bail by this Court in connection with Special Case No. 31 of 2009 arising out of Sheikhpura P.S. Case No. 299 of 2007 vide Cr. Misc. No. 19938 of 2013.

4. Learned counsel for the Vigilance appears and has been heard.

5. Be that as it may, having regard to the entirety of the 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 like amount each to the satisfaction of learned Special Judge, Vigilance II, Patna in connection with Special Case No. 32 of 2009 arising out of Korma P.S. Case No. 34 of 2007, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate 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.

B.T/Chandran

(Vikash Jain, J)

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

