

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57428 of 2017

Arising Out of PS. Case No.-533 Year-2011 Thana- BHABHUA District- Bhabhua (Kaimur)

Mohamad Kalimuddin @ Md.Kalimuddin Ansari S/o Late Abdul Gafur, R/o
Ward No. 8, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Through The Director General, Vigilance Investigation
Bureau, Bihar Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Santosh Kumar Pandey AC to Mr. Ramakant
Sharma, Sr. Advocate (L.O.,INC.VIGL.)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 27-02-2018 Heard Mr. Jitendra Kumar Pandey, learned counsel for the
petitioner, State and counsel appearing on behalf of the
Vigilance.

Petitioner is apprehending arrest in connection with Special
Case No. 7 of 2012, arising out of Bhabhua P.S. Case No. 533 of
2011 for the offence under sections 409, 420, 467, 468, 471,
120(B), 34 of the Indian Penal Code and Section 13(2)r/w, 13(1)
(D) of the Prevention of Corruption Act, 1988.

Mr. Pandey learned counsel for the petitioner submits that
the petitioner was not named in the FIR. His name surfaced
during the course of investigation.

Counsel for the petitioner highlighted that similarly
circumstanced other accused persons have been granted



anticipatory bail including the Chairman of the NGO and the Secretary of the NGO. He also refers to the orders passed by a co-ordinate bench of this court granting anticipatory bail to similarly circumstanced many accused persons.

Counsel appearing on behalf of the vigilance submits that after investigation it transpires that petitioner is joint signatory and other signatory was arrested by the police, however, this petitioner was not apprehended.

Mr. Pandey submitted that the Joint Secretary who was apprehended was also granted bail. He refers to para-3 of the petition to submit that petitioner has no criminal antecedent.

In a case of syphoning of money by NGO, this court has granted bail to the Chairman and Secretary of the NGO, the court see no reason to make departure in the case of the petitioner.

In view of the fact that the Chairman and Secretary of the NGO have been granted anticipatory bail as such on the ground of parity, the court is inclined to grant anticipatory bail to the petitioner named above, in the event of arrest or surrender before the court below within a period of one month from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 50,000/- (Fifty thousand) to the satisfaction of



learned Special Judge-1st, Vigilance, Patna in connection with Special Case No. 7 of 2012, arising out of Bhabhua P.S. Case No.533 of 2011 with further condition that the bailors should be family members of the petitioner and the petitioner will undertake to extend full cooperation in the present case and in the event he is found influencing the witnesses or in any manner causing impediment for expeditious disposal of the case, liberty shall be available to the I.O. of the case to approach the court below for cancellation of his bail bond on the ground of refusal or non-cooperation or attempt to tamper with the evidence and the usual terms and conditions as enumerated under section 438(2) of the Cr.P.C.

The petitioner is required to deposit the passport if any at the time of release by the court below

(Anil Kumar Upadhyay, J)

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