

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27306 of 2018

Arising Out of PS. Case No.-115 Year-2013 Thana- KHAIRA District- Jamui

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1. Sher Mohammad Khan, Son of Safik Khan
 2. Jahangir Khan, Son of Jamahir Khan, Both Residents of Village-Banpur, P.S.- Khaira, District- Jamui.

... .. Petitioners

Versus

The State of Bihar through the Vigilance.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prakash Kumar

For the Opposite Party/s : Mr. Rama Kant Sharma(L.O, I/C Vig.)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018 Learned counsel for the Vigilance submits that the FIR has been registered by the SHO, Khaira Police Station and hence, this case does not belong to the Vigilance.

In the circumstances, learned counsel for the petitioner is permitted make correction in the petition.

Heard learned counsels for the petitioners and Mr. J.N. Thakur, learned APP.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the IPC and Section 7 of the Prevention of Corruption Act.

The prosecution case, as per the written report of Block Development Officer, Khaira Block, submitted to the Station House Officer, Khaira Police Station is to the effect that in



pursuance to the complaint made by the villagers on 11.07.2013 at 12.30 PM, the informant made a surprise inspection at Bihar Gramin Bank, Dabil and conducted the enquiry, when the people alleged that Bharat Bhushan Ambasta, the Cashier of the bank used to take Rs. 5,000/- to 7,000/- for grant of loan under KCC and JLG scheme. In such nefarious activities, the petitioners used to work as a middle man between the cashier and the villagers/prospective loanee.

It is submitted by learned counsel for the petitioners that even assuming the accusation made in the FIR, since the petitioners are not the employee of the bank, no case under Section 409 of the IPC is made out against the petitioners. Moreover, thrust of accusation is against the cashier of the Bihar Gramin Bank, who has been granted regular bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 32153 of 2013. There is no proof with regard to any payment being made to the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation of working as middle man.

Considering the thrust of accusation against the cashier of



the Bihar Gramin Bank, who has already been granted regular bail, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Vigilance-II, Patna in connection with Khaira P.S. Case No. 115 of 2013, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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