

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8505 of 2019

Arising Out of PS. Case No.-84 Year-2016 Thana- VIGILANCE District- Patna

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MITHILESH KUMAR DIWAKAR, Son of Late Sukhdeo Singh, Resident of Village- Manibigha Saistabad, P.S.- Okari, District- Jehanabad, presently residing at Mohalla- Ramkrishna Nagar, P.S.- Ramkrishna Nagar, District- Patna.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. The Police Inspector Vigilance Investigation Bureau Bhagalpur Range, Bihar

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 23-04-2019 Petitioner seeks bail in anticipation of his arrest in connection with Special Case No. 318 of 2017/32 of 2016, arising out of Vigilance P.S.Case No. 84 of 2016, registered for the offences punishable under Section 13(2) read with Section 13(1)(c)(d) of Prevention of Corruption Act, 1988 and under Sections 467, 468, 471, 406, 409, 420, 120B of the Indian Penal Code and Sections 2(g), 4(1) and 14 of Bihar Rules of Establishment of Saw Pit and Establishment & Regulation of Depots, 1983.

Allegation against the petitioner, who was the then Ranger at Lakhisarai, is that in spite of specific direction vide Memo No. 3096 dated 13.10.2010 to the petitioner by DFO to



seal the saw mill of one Dilip Shrma but the same was sealed on 18.7.2011 and further it is alleged that the wood carried by a truck bearing No. WB 23B 2719 was stopped by the police and the police wrote a letter to the Ranger, Lakhisarai stating therein to send a report as to whether the wood was carried with valid documents or not and pursuant thereto the petitioner submitted his report wherein it was stated that 211 pieces of wood were carried by the petitioner with valid transit permit and as such the same may be released. Subsequently the wood was released in favour of Dilip Sharma and the petitioner has thus caused loss of Rs.6 lacs. Further allegation is that Dilip Sharma in collusion with the petitioner made a transaction of crores of rupees.

Submission of learned counsel for the petitioner is that the petitioner superannuated from service and the case has been lodged after six years of the occurrence and there is nothing available on record to show that petitioner has submitted false report.

Heard learned APP, who has opposed the prayer for anticipatory bail stating that there is prima facie allegation against the petitioner that Dilip sharma was not authorised to deal with the business of woods and he was found in possession of 211 pieces of wood valued at Rs.6 lacs which was released in



his favour on the report of the petitioner and earlier petitioner was directed to close the saw mill of Dilip Sharma vide order dated 13.10.2010 and in spite of that he allowed the saw mill to continue till 18.7.2011 and as such there are prima facie materials against the petitioner of causing loss of Government revenue in collusion with co-accused Dilip Sharma.

Having heard both sides and in the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner, rather he should surrender and make prayer for regular bail, which shall be considered on the basis of the materials available on the record.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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