

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77570 of 2018

Arising Out of PS. Case No.-76 Year-2017 Thana- VIGILANCE District- Patna

Shailendra Kumar S/o Late B.P. Singh, R/o Vill.- Bali, P.S.- Kashi Chak,
District- Nawada, at present R/o V.I.P. Colony, P.S.- Nagar, District- Nawada.

... .. Petitioner

Versus

The State Of Bihar, through Department of Vigilance Government Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate

Mr. Alok Kumar, Advocate

Mr. Rajeev Shekhar, Advocate

For the Opposite Party/s : Mr. Ajay Mishra (AC to Law Officer, Vigilance)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Special Case No. 327 of 2017 arising out of Vigilance P. S. Case
No. 76 of 2017 registered under Sections 13(2) read with
Section 13(1)(E) of the Prevention of Corruption Act, 1988.

It is submitted by the learned counsel for the petitioner
that the petitioner joined the service in the year 1982. The
allegation made in the FIR that he acquired disproportionate
assets of Rs.1,62,45,600/- is not correct. The income from
source other than salary has not been taken into account. His
expenses shown by the investigating agency are exaggerated.



He further contended that by now, the petitioner has already retired on attaining the age of superannuation. He is not expected to run away or tamper with the evidence. He has clean antecedent and during his entire service tenure except the present case he has not been made accused in any other case.

Learned counsel appearing for the vigilance submitted that the petitioner has acquired huge amount disproportionate to his known source of income during his service period. The investigation is still pending and if he is released on pre-arrest bail, the possibility of tampering with the evidence is not ruled out.

Considering the submission made on behalf of the parties and the allegations made in the FIR, in the event of arrest or surrender before the court below, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Vigilance-1, Patna in Special Case No. 327 of 2017 arising out of Vigilance P. S. Case No. 76 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and further following conditions:-.

(a) The petitioner shall not influence the



witnesses or tamper with any document;

(b) The petitioner shall not leave the limits of India without prior permission of the trial court;

(c) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;

(d) The petitioner shall not do any act prejudicial to the interest of the prosecution;

(e) The petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court;

(f) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail;

(g) One of the sureties must be a



Government servant/elected people's
representative of Panchayat/ Municipality;
and the other one shall be a close relative.

(Ashwani Kumar Singh, J)

kanchan/-

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

