

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20668 of 2019

Arising Out of PS. Case No.-28 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Shivnandan Sah, Son of Late Sita Ram Sah, Resident of Junaidi, P.S.- Silaw,
District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Economic Offence Unit, Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shishir Kumar, Advocate
For the E.O.U.	:	Mr. Akhileshwar Prasad Singh, Sr. Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 05-08-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State as well as Mr.

Akhileshwar Prasad Singh, learned Senior Counsel for the

E.O.U.

The petitioner is in custody since 02.02.2019 in
connection with Special Case No.40 of 2013 arising out of
EOU P.S. Case No.28 of 2013 registered for the offence under
Section 13(2) r/w Section 13(1)(e) of the P.C. Act.

Learned counsel appearing for the petitioner submits
that an F.I.R. was filed on 11.07.2013 bearing Special Case
No.40 of 2013 arising out of EOU P.S. Case No.28 of 2013.
The said case was lodged against the petitioner for having



discharged his duties with dishonesty and having amassed wealth which was much above his known sources of income. It was submitted that on the basis of certain information received from the sources, the petitioner was also suspended and after lodging of the F.I.R., he was proceeded against departmentally and has since been dismissed from service.

Learned counsel for the petitioner submits that the petitioner was a Junior Engineer posted in the Building Construction Department, Muzaffarpur for the last several years and at all material times, discharged his duties with honesty and integrity, but for certain reasons, the aforementioned case was filed and he was proceeded against both in the criminal case as well as in the departmental proceeding. It is thus submitted that since now the petitioner has already been dismissed from service and chargesheet in the criminal case has been submitted, no useful purpose would suffice by keeping the petitioner behind bars, as he is not likely to tamper with the evidence. It is further submitted that the petitioner shall appear at all material times before the court below and receive police papers and shall attend the court as and when required without there being any hindrance in the trial which is ensuing in the court below.



Learned Senior Counsel appearing for the E.O.U. has resisted the application for bail and has filed a counter affidavit bringing on record the entire events and the amounts which were allegedly misappropriated by the petitioner dishonestly. He thus submits that the petitioner is not entitled to the privilege of bail and his application for bail may be rejected.

Learned counsel for the petitioner, however, submits that in view of the undertaking given by the petitioner that he shall appear at all material times and since he is still a dismissed employee and he would not access to the records which may prejudice the case of the prosecution, he may be extended the privilege of bail.

Having considered the entire facts and circumstances, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of the Special Judge, Vigilance-1st, Patna, in connection with Special Case No.40 of 2013 arising out of EOU P.S. Case No.28 of 2013, subject to the following conditions:

(1) One of the bailors will be the blood relative of



the petitioner, preferably, mother, son, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

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

(4) The petitioner shall co-operate 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.

(Anjana Mishra, J)

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