

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67389 of 2018

Arising Out of PS. Case No.-83 Year-2017 Thana- VIGILANCE District- Patna

Yogendra Kumar Son of Bindeshwari Singh, Resident of Sheikhpura Bagicha,
P.O.-B.V. College, P.S.-Shastri Nagar, Patna-14, Proprietor M/s Satyam
Distributors, Saraf Bhawan, Govind Mitra Road, Patna-4.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Investigation Bureau Patna

... .. Opposite Party/s

with

Criminal Miscellaneous No. 75250 of 2018

Arising Out of PS. Case No.-83 Year-2017 Thana- VIGILANCE District- Patna

Aseem Kumar @ Asim Kumar Son of Sri Akhileshwar Singh, Resident of
Village- Maner Balu Per, P.S. Maner, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Investigation Bureau, Patna

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 67389 of 2018)

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate.
Mr. Pankaj Kumar Das, Advocate

For the Opposite Party : Mr. Ajay Mishra, AC to Law Officer Vigilance.

(In Criminal Miscellaneous No. 75250 of 2018)

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate.
Mr. Dhananjay Kumar, Advocate.

For the Opposite Party : Mr. Ajay Mishra, AC to Law Officer Vigilance.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 04-02-2019 Both the petitions arise out of common FIR and
thus they are being disposed of by this common order.

Heard the learned counsel for the petitioners
and the State.

The petitioners seek bail in anticipation of their
arrest in connection with Special Case No. 345 of 2017



arising out of Vigilance P.S. Case No. 83 of 2017 dated 31.10.2017 instituted for the offences under Sections 406, 408, 409, 420, 467, 468, 471, 477, 477A and 120(B) of the Indian Penal Code and under Section 13(2) read with under Section 13(1)(d) of the Prevention of Corruption Act, 1988.

From the order dated 19.12.2018, it clearly transpires that there are primarily two allegations against the petitioners. In the year 2006-07 and 2007-08 medicines were sold by the petitioner on higher price. This allegation was found to be true but on a deeper probe and analysis, the cognizance against the petitioner with the aforesaid charge was set aside. The license of the petitioner which was cancelled has also now been restored. So far as the other allegation is concerned, the petitioner is said to have participated in the tender by offering quotation on behalf of two companies viz. M/s Medi Device and the other viz. M/s Satyam Distributors.

It has been submitted that this was impermissible and was resorted to only for the purposes of subterfuge and hoodwinking the hospital administration into accepting their tender for higher price.

Mr. Ajay Mishra, learned advocate appearing for the Vigilance Investigation Bureau has submitted that



medicines worth more than Rs. 2 crores was purchased by the Hospital Administration because of the connivance of the petitioners.

Mr. Krishna Prasad Singh, learned senior advocate for the petitioners however has contended that the petitioner has been participating in the investigation and on one occasion has also furnished an undertaking that all the documents which will be demanded of him by the investigating agency shall be furnished without any delay. There is no allegation that the petitioner has been hiding or avoiding to answer the questions of the investigating agency.

In that view of the matter, there is no reason for this Court not to extend the protection which was granted to the petitioner by order dated 19.12.2018.

In view of the categorical assertion on behalf of the petitioner that he shall participate in the investigation and shall furnish all information to which he is privy, this Court deems it appropriate to confirm the anticipatory bail to the petitioner.

The petitioners in both the cases shall be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs.



20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance-1st, Patna in connection with Special Case No. 345 of 2017 arising out of Vigilance P.S. Case No. 83 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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