

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56634 of 2019

Arising Out of PS. Case No.-20 Year-2012 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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MD. SHAHID ALI @ SHAHID KHAN @ SHAHID ALI Son of Late Md.
Jamiluddin Khan Resident of Mohalla - Karbigahiya, P.S.- Jakkanpur,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Department Bihar, Patna Bihar
3. ECONOMIC OFFENCES UNIT, PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr.Sushanta Kumar Das
For the Vigilance	:Mr. Ajay Mishra (A/C to Vigilance)
For the E.O.U.	: Mr. V.N.P.Sinha (Sr. Adv.)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Economic Offence P.S.Case No.20 of 2012 registered for offences punishable under Sections 420, 465, 467, 468, 471 and 120(B) of the Indian Penal Code and Sections 8, 12, 13(1)(d) of the Prevention of Corruption Act.

Allegation against the petitioner is of encroachment of public land and constructing house over the same. Apart from that it appears that the case is of the year, 2012 and the



petitioner is named in the F.I.R. It further appears from the impugned order that the petitioner had earlier moved before this Court twice and his bail application was disposed, vide order dated 19.1.2015 passed in Cr. Misc. No.1980 of 2015 with a direction to the petitioner to appear before the learned court below, who shall consider the submission of the petitioner and pass necessary order within a period of three weeks from the date of receipt of the order, however, it appears that he did not appear before the learned court below and now fresh application has been filed.

Submission of the learned counsel for the petitioner is that he has filed this application in the changed circumstances as name of Sahid Khan @ Shahid Ali has been deleted and Sahid Khan has been mentioned. Further submission is that in view of that the petitioner has filed fresh application for grant of anticipatory bail.

On the other hand the learned counsel for the Vigilance and the learned counsel for the Economic Offence Unit has opposed the prayer for bail on the ground that twice his prayer for bail has been rejected and from Annexure-1/A it appears that the petitioner has himself mentioned his name as Sahid Khan @ Shahid Ali, as such he is not different person but the same



person, whose bail application has been rejected and the case is of the year, 2012.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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