

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33017 of 2018

Arising Out of PS. Case No.-10 Year-1999 Thana- C.B.I CASE District- Muzaffarpur

Dr. Najeeb Akhtar S/o Nurul Hoda, Secretary Governing Council, Muslim Umma Education and Welfare society, Darbhanga-Cum-Secretary, Managing Committee, Fakhruddin Ali Ahmad Sikshak Prasikshan Mahavidyalaya, Bangali Tola, Laheriasarai, P.S.- Laheria Sarai, Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar, Through Vigilance Department.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Verma, Sr. Advocate Mr.Karuna Nath Sahay
For the Vigilance	:	Mr.Anjani Kumar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 08-01-2019 Heard learned Senior Counsels for the parties.

The present application has been preferred with prayer for anticipatory bail in connection with Vigilance P.S. Case No. 10 of 1999 (Special Case No. 7 of 2002) registered for the offences punishable under Sections 420,465,468,471,477A, 109 and 120B of the IPC, Section 13(2) read with Section 13(1) (d) of the P.C. Act and Section 4(2) of Bihar Non-Government Physical Training College and Non-Government Teachers Training College and Non-Government Primary Teachers Training College (Regulation and Control) Act, 1982.

It is submitted by learned Senior Counsel for the petitioner that though the petitioner's prayer for anticipatory bail



was earlier rejected vide order dated 7.3.2000 passed in Cr. Misc. No. 100 of 2000 but since the warrant of arrest issued against the petitioner was quashed by a Bench of this Court vide order dated 28.9.2000 passed in Cr. W.J.C. No. 546 of 2000, the petitioner has preferred the present application for anticipatory bail after issuance of process in pursuance to order of cognizance dated 3.11.2017 passed by the learned Special Judge, Vigilance, North Bihar, Muzaffarpur, though on conclusion of investigation final report was submitted on 8.8.2007.

However, Mr. Anjani Kumar, learned Senior Counsel appearing for the Vigilance took the preliminary objection with regard to maintainability of the present anticipatory bail application that after passing of order of cognizance and issuance of process, the petitioner has preferred present application before this Court, without moving the learned Special Judge, Vigilance, North Bihar, Muzaffarpur, annexing the order impugned dated 11.10.1999 which was order impugned in Cr. Misc. No. 1100 of 2000.

This Court finds substance in the submission of learned counsel appearing for the Vigilance as the petitioner ought to have moved the learned Special Judge first.



In the circumstances, this application is disposed with a liberty to the petitioner to first move the learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 10 of 1999 within a period of four weeks.

For the next four weeks, let no coercive steps be taken against the petitioner in connection with the abovementioned case.

(Dinesh Kumar Singh, J)

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