

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7338 of 2020

Arising Out of PS. Case No.-306 Year-2008 Thana- SAHARSA District- Saharsa

PM SINGH @ PRAN MOHAN SINGH Son of Late Haldhar Prasad Singh
Resident of Village - Dhor, P.S.- Belhar, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Sanjeev Verma, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the Vigilance	:	Mr. Arbind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 10-09-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Senior Counsel for the petitioner and the learned Counsel for the State as also the Mr. Arbind Kumar, learned Counsel appearing for the Vigilance Department.

Learned Senior Counsel for the petitioner points out that Vigilance PS Case number has wrongly been written as 18 of 2018, whereas it should be 18 of 2008.

Petitioner apprehends arrest in Saharsa Sadar PS Case No. 306 of 2008 registered under Sections 161, 162 and 34 of the IPC and Sections 7 & 8 of the Prevention of Corruption Act.

A raid was conducted in a hotel where staff members/ officials from the office of Assistant Land Settlement Officer, Nirmali, were apprehended along with some documents and some cash. It is alleged that they were favouring certain person by creating settlement in their favour in the hotel room. The petitioner at that



time was the Assistant Settlement Officer, Nirmali.

Learned Senior Counsel for the petitioner submits that as per the prosecution case the petitioner was not at the hotel where staff and officers have been apprehended and documents and cash recovered. He submits that since 2008 the investigation did not reveal anything against him and only in 2019 on the basis of supervision report the warrant came to be issued against the petitioner. He further draws attention of the Court to the fact that he had moved for grant of anticipatory bail in February 2011 when the Court had observed that the petitioner had no apprehension of arrest till that date and therefore the prayer had been rejected. The petitioner has categorically stated in his supplementary affidavit that till date process under Sections 82-83 Cr.P.C. have not been initiated against the petitioner and that now he is an aged person about 72 years old.

Mr. Arbind Kumar, learned Counsel for the Department of Vigilance, however submits that the petitioner cannot escape his liability as he was Assistant Settlement Officer at that time and it was his officers and staffs who were indulging in illegality at the hotel room. He has opposed the prayer for bail and submits that in the event this Court is inclined to grant anticipatory bail to the petitioner, the same should be on strict terms to ensure his co-operation in expeditious trial.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge Vigilance (Trap) Bhagalpur in Saharsa



Sadar PS Case No. 306 of 2008 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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