

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 19735 of 2020

Arising Out of Vigilance PS. Case No.-84 Year-2016 Thana- VIGILANCE District-Patna

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Mithilesh Kumar Diwakar, Son of Late Sukhdeo Singh, Resident of Village – Manibigha
Saistabad, P.S. Okari, District – Jehanabad, presently residing at Mohalla – Ramkrishna Nagar,
P.S. Ramkrishna Nagar, District - Patna Petitioner/s

Versus

1. The State of Bihar
2. The Police Inspector, Vigilance Investigation Bureau, Bhagalpur Range, Bihar
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

For the Vigilance : Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02 23-07-2020

Heard Mr. Mrigank Mauli, learned Advocate for the petitioner,
Mr. Satya Nand Shukla, learned APP for the State and Mr. Arvind
Kumar, learned Advocate for the Vigilance Department.

The petitioner seeks bail in anticipation of his arrest in
connection with Special Case No. 318 of 2017/32 of 2016, arising out
of Vigilance P.S. Case No. 84 of 2016 dated 31.08.2016 instituted for
the offences under Section 13(2) read with Sections 13(1)(c)(d) of
Prevention of Corruption Act, 1988 and under Sections 467, 468, 471,
406, 409, 420 and 120B of the Indian Penal Code and under Sections
2(g), 4(1) & 14 of the Bihar Rules for Establishment of Saw Pit and
Establishment & Regl, 1983.



It appears that the prayer for anticipatory bail of the petitioner earlier rejected by a Bench of this Court vide order dated 23.04.2019 in Cr. Misc. No. 8505 of 2019.

Learned counsel for the petitioner submits that while the order dated 23.04.2019 referred to above was passed, it was not taken into account that similarly situated accused person had been granted anticipatory bail by a Bench of this Court. Apart from this ground, what has been canvassed is that on merits also, this case requires a re-look so far as the grant of anticipatory bail is concerned.

This Court would not like to go into the merits of this case for the second time.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and prays for bail, it shall be considered on its own merits taking into account that similarly situated accused person has been granted anticipatory bail, the petitioner is a retired personnel of the Forest Department and is also stated to be suffering from Cancer and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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