

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18639 of 2020

Arising Out of PS. Case No.-78 Year-2017 Thana- SALAIYA District- Aurangabad

Suraj Baitha, male, aged about 65 years, Son of Late German Baitha, Resident of Village - Bundi Bigha, P.O. - Pirthu, P.S. - Salaiya, District – Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Economic Office Department, Bihar.
2. The State of Bihar through Vigilance Department, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan, Adv.

For the Vigilance Department : Mr.Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 08-10-2020 Heard Mr. Sanjiv Sharan, learned Advocate for the petitioner and Mr. Arvind Kumar, learned counsel for the Vigilance Department.

The petitioner seeks bail in anticipation of his arrest in connection with Special P.S. Case No. 43 of 2018 arising out of Salaiya P.S. Case No. 78 of 2017, dated 25.11.2017, instituted for the offences under Sections 409, 420 and 34 of the Indian Penal Code and Section 13(2) read



with Section 13(1)(D) of the Prevention of Corruption Act, 1988.

From the perusal of the F.I.R., it appears that government money has been defalcated. The son of the petitioner is said to have played the major role and from the defalcated amount, an amount of Rs. 4,32,000/- was deposited by him in the account of the petitioner, which has been withdrawn. The petitioner had no role to play in the entire episode, but has been a beneficiary of an amount of Rs. 4,32,000/-, which was deposited by his son in his bank account.

It has been submitted on behalf of the petitioner that he is ready to return the amount of Rs. 4,00,000/- before the Court below, but subject to his rights and contentions later and only as a protest. It has further been submitted that some of the other accused persons of this case have been granted anticipatory bail.

Considering the aforesaid stand of the petitioner, this Court directs that in the event the petitioner/Suraj Baitha surrenders before the Court below and deposits an



amount of Rs. 4,00,000/-, subject to his rights and contentions later, within a period of eight weeks from today, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-1st, Patna, in connection with Special P.S. Case No. 43 of 2018 arising out of Salaiya P.S. Case No. 78 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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