

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58282 of 2019

Arising Out of PS. Case No.-163 Year-2009 Thana- CHHATAPUR District- Supaul

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Ramjee Prasad Mandal Son of Late Fudan Mandal Resident of Village -
Hariharpatti, P.O.- Gonha, P.S.- Triveniganj, District - Supaul (Bihar).

... .. Petitioner/s

Versus

The Director General, Vigilance Investigation Bureau, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Anjani Kumar (L.O Inc Vig)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-05-2020 The matter has been taken up through virtual court proceeding.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 406, 409, 419, 420, 120B, 467, 468 of the Indian Penal Code and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

The prosecution case as per the written report of C.O., Chhatapur submitted to the S.H.O., Chhatapur Police Station is to the effect that the petitioner being the Revenue Karamchari of Halka No. 8 informed the informant that two cheque books handed over to Dayanand Prasad, the another clerk of Chhatapur Block, has been found missing. Subsequently, it was found that by forging the signature of the then Circle Officer, Rs.



40,67,821/- has been withdrawn by 33 persons. It is alleged that the cheque was actually handed over to the petitioner.

Learned counsel for the petitioner submits that in fact the alleged cheque was lying with Dayanand Prasad and this fact has also been surfaced during administrative enquiry. The beneficiary who have withdrawn money through fraudulent cheque have been granted bail. It is further submitted that investigation has already been concluded and the petitioner is languishing in custody since 02.08.2018. Earlier prayer for bail of the petitioner was rejected by a Co-ordinate bench of this Court vide order dated 18.12.2018, passed in Cr. Misc. No. 60817 of 2018 whereby liberty was given to the petitioner to renew his prayer for bail after six months if no substantive progress is made in the trial. The trial has still not been commenced, though, the charges have been framed. The petitioner challenged the order of the High Court in S.L.P. (Criminal) Diary No. 18519 of 2019 when the Hon'ble Supreme Court disposed of the bail application of the petitioner since liberty was given to the petitioner to renew prayer for bail after six months and period of six months was to get over in one month.

Learned counsel for the vigilance submits that during



investigation it transpired that actually cheques were handed over to the petitioner and due to his connivance, the government money was withdrawn.

Considering the fact that the investigation has already been concluded, the petitioner has already superannuated from service, since charges have not been framed, there is no likelihood of trial being concluded in near future and in view of the liberty of renewal of prayer given to the petitioner by a co-ordinate bench of this Court, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, Vigilance-I, Patna in connection with Special Case No. 66/17/04/2011, arising out of Chhatapur P.S. Case No. 163 of 2009.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on



furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna in connection with Special Case No. 66/17/04/2011, arising out of Chhatapur P.S. Case No. 163 of 2009.

The learned Court below will be at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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