

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81837 of 2019**

**In**  
**CRIMINAL MISCELLANEOUS No.25922 of 2019**

Arising Out of PS. Case No.-515 Year-2017 Thana- GANDHIMAIDAN District- Patna

Shiv Kumar Jha S/o Late Man Mohan Jha R/o village- Sumbha Deorhi, P.S.-  
Mahe Singhia, District- Samastipur, at presently residing R/o Mohalla- B-35,  
Nandan Home, Khajpura, P.S.- Hawai Adda, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Superintendent of Police Vigilance Govt. of Patna Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar @ Alok Kr Shahi  
For the Opposite Party/s : Mr.Suresh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      22-01-2020                      Heard Mr. Sandeep Kumar, learned counsel for the  
petitioner and Mr. Arvind Kumar, learned counsel for the  
Vigilance.

The present application has been filed for  
modification of order dated 16.11.2019 passed in Cr. Misc. No.  
25922 of 2019 to the extent that since the petitioner is ready to  
deposit Rs.25 lacs, he is permitted to withdraw the said amount  
from his retiral benefits, i.e. provident fund, gratuity, leave  
encashment etc. It is further submitted that the said deposit will  
not be considered as an acceptance of guilt by the petitioner.

Learned counsel for the Vigilance submits that till  
date, the petitioner has not deposited the said amount. However,



the said amount will not be released in favour of the petitioner.

Considering the grounds taken in the modification application, the order dated 16.11.2019 passed in Cr. Misc. No. 25922 of 2019 is modified to the extent that the petitioner may be permitted to deposit the said amount within a period of three months from today after withdrawal of the said amount from his retiral benefits, i.e., provident fund, gratuity, leave encashment etc. However, the said deposit of money will not be treated as acceptance of his guilt and the same will be subject to the result of the trial.

Accordingly, the present modification application stands disposed of.

Let the order be transmitted to the Court of learned Special Judge, Vigilance 1<sup>st</sup>, Patna in connection with Special Case No. 349 of 2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017.

**(Dinesh Kumar Singh, J)**

DKS/-

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