

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27230 of 2021**

Arising Out of PS. Case No.-34 Year-2015 Thana- PALASI District- Araria

Imen Soren aged about 50 years Son of Mathai Soren @ Bhadai Soren
Resident of Village - Baraita, P.S.- Kasaba, District- Purnia.

... .. Petitioner

Versus

The State of Bihar through the Vigilance, Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party : Mr.Arvind Kumar, Spl. Public Prosecutor

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

2 06-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section for offence under Sections 120B, 406, 420, 467, 468 and 471 of the Indian Penal Code and sections 13 & 15 of the Prevention of Corruption Act.

As per the prosecution case, all the accused persons named in the FIR misappropriated the Government money amounting to Rs.47,77,725/-. It is further alleged that without administrative and technical sanction of the higher authorities, money was advanced and work was not completed in terms of the project.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. Petitioner at



the relevant time was posted as Panchayat Secretary and worked as per direction of Mukhiya, BDO and superior officers as he had no power to grant administrative approval or to start any scheme. It is also submitted that several similarly situated co-accused have already been allowed bail by different co-ordinate benches of this Court vide paragraph 12 of the bail petition. Petitioner claims clean antecedent and he is in custody since 5.10.2019. Charge sheet has already been submitted as such custodial interrogation of the petitioner is not required in the case.

Learned counsel for the Vigilance opposes the prayer for bail submitting that out of 14 schemes, he was contractor of 5 sachems and money was misappropriated by him and other accused persons without completion of the scheme as per its specification.

Considering the rival submissions of the parties, materials available on the record and the fact that charge sheet has already been submitted and custodial interrogation of the petitioner is not required in the case and several similarly situated co-accused have already been allowed bail by this Court and petitioner is in custody for about one year and ten months, let the petitioner, mentioned above, be enlarged on bail



on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance Trap, Bhagalpur or successor court in Vigilance case no. 04 of 2015/Palasi Police Station Case No. 34 of 2015 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

