

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37546 of 2021

Arising Out of PS. Case No.-291 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

Himanshu Kumar @ Himanshu Rai S/O Ram Balak Yadav @ Rambalak Rai
Resident of Village - Balwant Tola P.S. - Doriganj, District - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH CABINET VIGILANCE
DEPARTMENT BIHAR PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

6 23-02-2022 Heard both the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Special Case No.21 of 2019, arising out of Chhapra Muffasil P.S. Case No.291 of 2019 instituted for the offences under Sections 420, 409, 120(B) of the Indian Penal Code & Section 13(2) Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the petitioner has assisted the vigilance department in order to show that certain officials are involved in corruption. He has also provided his telephone for the purpose and now the department is seeking to arrest the petitioner.

Learned counsel for the vigilance submits that the presence of the petitioner may be necessary for the purpose of



apprehending others.

This court considers the submission and finds that the petitioner can be the person who may be essential witness to catch hold who are involved in corruption. He is a private individual and may be required for the purpose of apprehending others, however, it cannot make him accused in the case. The petitioner is fully entitled for protection.

Accordingly, I am inclined to grant anticipatory bail to the petitioner and in the event of arrest, he shall be released on bail subject to conditions as under:-

1. The applicant, namely, Himanshu Kumar @ Himanshu Rai shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer.

2. The applicant shall cooperate with the investigation and make himself available for interrogation whenever required.

3. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer,

4. The applicant shall not obstruct or hamper the



police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

5. The applicant shall not leave the territory of Chapra without prior permission of the court, till trial is over;

6. The applicant shall maintain law and order;

7. The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The applicant shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The applicant shall regularly remain present during the trial and cooperate with the Hon'ble court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

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