

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36232 of 2022

Arising Out of PS. Case No.-12 Year-2006 Thana- VIGILANCE District- Patna

SUMIT BAGARIA Son of Shri Kailash Bagaria Resident of Village - A-11,
1st Main Road, Raj mahal Vilas, 2 Stage, Dollars Colony, P.s.- Sanjay Nagar,
Bengaluru, Distt.- Bengaluru (Karnataka).

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Govt. of Bihar ,
Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.P.N.Shahi, Sr. Adv. Mr.Harsh Singh, Adv. Mr.Kamal Kishor Singh, Adv.
For the Opposite Party/s :		Mr.Arvind Kumar, Adv. (Vigilance)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-11-2022 Heard senior learned counsel for the petitioner and
learned counsel for the Vigilance.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 420, 465, 467, 468, 471, 477(A),
120(B), 218 and 219 of the IPC and sections 13(2) read with
section 13(d) of the Prevention of Corruption Act, 1988.

Allegedly, the accused persons including the petitioner
under a conspiracy are said to have violated the provisions and
conditions, got wrong documents prepared and by taking illegal



gains, a substandard machine was purchased at excessive loss causing heavy financial loss to the Government.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The F.I.R. which has been instituted after detailed investigation by several members of Vigilance and spanning a period of over six years for different inquiries, petitioner was not named as accused in the F.I.R. Only the company, its President and local agent were named accused. The inquiries and investigation revealed that the President of the Company and local agent were responsible for the day to day transactions and activities of the company. It is submitted that the occurrence is said to have taken place in the year 1996-97 and the first agreement was made on 13.04.1998 and second agreement was made on 28.05.1998 and F.I.R. was lodged on 04.03.2006. In the F.I.R., the petitioner was not named but after investigation, police has filed a charge sheet on 18.04.2018, in which petitioner and his company were arrayed as accused and on the basis of the same, cognizance was taken on 06.05.2019



and summons were issued to the petitioner on 17.07.2021. Learned senior counsel for the petitioner further submits that there is no specific overt act against the petitioner. From a bare perusal of the F.I.R., it is apparent that at all points of time, the then President of the Company Shri T. Chidambaram was concerned with the day to day affairs of the company specially with respect to the instant tender as all communications with respect to the same were made to and from Shri T. Chidambaram on behalf of the company, while the petitioner being a Director of the company was only concerned with the overall policy making and general supervision. The said agreement was also signed by Shri T. Chidambaram on behalf of the company. Petitioner has no criminal antecedent.

Learned counsel for the Vigilance opposed the prayer for bail and submits that the evidence against the accused petitioner has been incorporated in supplementary CD para no-90, 104 during the course of further investigation, which reveals the complicity of petitioner and Shri T. Chidambaram of M/s Gainwell Mediamart Pvt. Ltd. Bangalore in the commission of the alleged offence. Therefore a supplementary charge sheet was submitted by the I.O. against the petitioner in the court below.

Having regard to the facts and circumstances of the case



and considering the delay of more than 12 years in filing the charge sheet, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Vigilance P.S. Case No.12/2006, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, petitioner is directed to co-operate in the trial. It is made clear that if petitioner fails to appear on two consecutive dates fixed by the court below, his bail bonds is liable to be cancelled.

(Anjani Kumar Sharan, J)

pallavi/-

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

