

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38680 of 2020

Arising Out of PS. Case No.-727 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SWAMI SHARAN DAS S/o Late Jagdeesh Das R/o Village- Mukheriya
Bonsi Road, Khirbandh, P.S.- Jagdishpur (Bypass), District- Bhagalpur,

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Vigilance Investigation Department, Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurva Kumar
For the Vigilance : Mrs. Archana Palkar Khopde

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 18-07-2022 Heard learned counsel for the petitioner and the

Vigilance.

The petitioner seeks anticipatory bail in connection with Kotwali (Barari) PS case no. 727 of 2019 instituted for the offences punishable under Sections 224, 225, 384, 120B/34 of Indian Penal Code and 7(a) of the Prevention of Corruption Act, 1988.

The allegation is regarding one convict having escaped from custody while he was being treated in a hospital for his ailment. It is alleged that eight accused persons including the petitioner had taken bribe and had facilitated the convict to flee away from police custody.

Learned counsel appearing for the petitioner submits



that petitioner is not named in the FIR. The name of petitioner has come in this case during the course of investigation in the confessional statement of co-accused. It is further submitted that petitioner is a Jail police Hawaldar who was not deputed to look after the custody of escaped convict Vikash Jha and he was not on duty for safe guard of the said convict in emergency ward.

Learned counsel appearing for the Vigilance opposes the prayer for anticipatory bail and submits that complicity of the petitioner has come during the course of investigation and several witnesses and co-accused in the case diary have sated about involvement of this petitioner in the aforesaid crime.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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