

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7569 of 2023

Arising Out of PS. Case No.-800 Year-2021 Thana- SUPAUL District- Supaul

=====

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

... .. Petitioner/s

Versus

AMAR BHUSHAN Son of Sri Mohan Lal Rajak Resident of- Road No.-3,
Magistrate Colony, Ashiyana Nagar, P.S.- Rajeev Nagar, District- Patna, Bihar
the then District Programme Officer (Establishment), Supaul

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the O.P. No. 1	:	Mr. P.N. Shahi, Sr. Advocate
For the Opposite Party/s	:	Mr. Mithilesh Kumar Upadhyay, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 05-07-2023 Heard learned counsel for the petitioner and learned

Senior counsel for the sole O.P. No. 1.

The present application has been filed on behalf of the

Vigilance seeking cancellation of the bail granted to the sole

O.P. No. 1 by order dated 13.09.2022 in Cr. Misc. No. 38944 of

2022.

The learned counsel for the Vigilance Mr. Arvind

Kumar submits that from perusal of the order granting

anticipatory bail to the petitioner, it would manifest that this

Court considering the petitioner to be a teacher granted the

privilege of anticipatory bail, as this Court was granting

anticipatory bail to the teachers who were involved in the



present case on the ground that the teachers joined and received their salary based on the order passed by the D.P.O. who either interpreted or misinterpreted the orders of this Court on a writ application.

The learned counsel next submits that from perusal of the order dated 13.09.2022, it would manifest that the sole O.P. No. 1 got the privilege of anticipatory bail solely for the reason that he was construed to be a teacher when the sole O.P. No. 1 is the D.P.O. against whom the allegation hinges.

The learned counsel for the Vigilance next submits that sole O.P. No. 1 thereafter obtained anticipatory bail by furnishing the bail bonds but then that shows his conduct being a Government servant he should have been fair, it is next submitted that since the tenor of the order granting the privilege of anticipatory bail to the sole O.P. No. 1 was based on the ground that he was a teacher, the sole O.P. No. 1 should have approached his learned lawyer for bringing the said fact to the notice of the Court by way of seeking the modification of the order but then he chose to enjoy the privilege.

The learned counsel for the Vigilance thus submits that the privilege of anticipatory bail was granted to the sole O.P. No. 1 based on a fact which did not exist nor the said fact



was brought to the notice of the Hon'ble Court at the time of hearing of the matter nor the O.P. No. 1 after obtaining anticipatory bail got the order clarified.

The learned counsel for the Vigilance thus submits that the entire premise based on which the privilege of anticipatory bail was granted to the sole O.P. No. 1 did not exist and thus seeks cancellation of the order by which the sole O.P. No. 1 was granted the privilege of anticipatory bail.

The learned Senior counsel Mr. Pushkar Narayan Shahi appears on behalf of the sole O.P. No. 1 but is not in a position to rebut the submission of the learned counsel appearing on behalf of the Vigilance that the sole O.P. No. 1 before obtaining anticipatory bail ought to have approached the learned Advocate on record bringing to his notice that the premise on which the anticipatory bail was granted to him did not exist.

Considering the submission, the order dated 13.09.2022 in Cr. Misc. No. 38944 of 2022 is hereby recalled and the application stands allowed.

(Satyavrat Verma, J)

GauravSinha/-

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

