

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21826 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- AMARPUR District- Banka

Chandrabhusan Kumar, aged about 29 years, (Male), S/O- Bedanand Yadav,
Resident of Village- Khoshalpur (Mallu Tola), Post office- Parasrampur,
Police Station- Pirpainti District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The ADG vigilance, Bihar Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Yadav, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Ajay Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-06-2023 Heard Mr. Diwakar Yadav, learned counsel

appearing on behalf of the petitioner, Mr. Arvind Kumar,

learned counsel appearing on behalf of the State Vigilance and

Mr. Ajay Mishra, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Amarpur P.S. Case No. 275 of 2022 registered for the
offence punishable under Sections 420, 467, 468, 471 and
120(B) of the Indian Penal Code.

3. Prosecution story, in brief, is that on the basis of
vigilance report, a case of illegal appointment of the petitioner
has been detected for which FIR was lodged after vigilance
inquiry.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had tendered his resignation as would appear from 'Annexure-3' to the bail application on 21.05.2016. It is further submitted that other similarly situated accused persons against whom also vigilance inquiry was made and FIR was lodged have been enlarged on bail after their resignation has been accepted. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the State Vigilance along with learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submission made by the parties as well as the fact that petitioner had tendered his resignation and a letter dated 21.05.2016 has been brought by way of 'Annexure-3' to the bail application and other similarly situated accused persons against whom also vigilance enquiry was made and FIR was lodged have been granted bail after their resignation has been accepted. In the present case, the petitioner has already tendered his resignation. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be



released on pre-arrest bail after verification of the said fact from the Block Education Officer/ District Education Officer, Amarpur, Banka.

8. The report relating to the petitioner must be submitted by the Block Education Officer/ District Education Officer, Amarpur, Banka within a period of two weeks from the date of surrender made by the petitioner. **Till then no coercive steps shall be taken against the petitioner.** If it is found that petitioner has tendered his resignation in that case, the petitioner, above named, is directed to be released on pre-arrest bail in the event of his arrest or surrender before the Court below within a period of four 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 learned C.J.M., Banka in connection with Amarpur P.S. Case No. 275 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. In case of failure on part of Block Education Officer/ District Education Officer, Amarpur, Banka within the aforesaid period of two weeks, in that case also the petitioner, above named, is directed to be released on pre-arrest bail and the Court below is directed to send a report against the Block



Education Officer/ District Education Officer, Amarpur, Banka
to the Additional Chief Secretary, Education Department,
Government of Bihar.

(Purnendu Singh, J)

Niraj/Nilmani

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