

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5106 of 2023

Arising Out of PS. Case No.-48 Year-2015 Thana- VIGILANCE District- Patna

RAKESH KUMAR PUSHKAR S/o Ramdhar Ram R/o village- Navner, Post-
Dihara, P.S.- Aovara, Distt- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Inspector General Vigilance Department, Patna, Bihar. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Atul Kumar Mehta, Adv.
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP
For the Vigilance	:	Mr.Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-02-2023 Heard learned counsel for the petitioner, learned counsel
for the Vigilance and learned APP for the State.

Petitioner apprehends his arrest in a case registered for
the offence punishable u/s 467/ 468/ 471/ 409/ 420/ 120(B) of
the IPC & 13(2), 13(1)(D)(C) of Prevention & Corruption Act.

As per the prosecution case, all the FIR named accused
persons including the petitioner made defalcation bill on wrong
challan for the purpose of defalcation of Government money.

It is submitted by learned 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
leveled against the petitioner is not specific rather general and



omnibus in nature. It is submitted that petitioner has no role to supply the bolder through the truck. At present, work started was on that place, thereafter, when he inspected the size of the bolder and further work was completed, therefore, he mentioned in the measurement book. Thereafter, bill was passed. The work of bolder pitching in aforesaid plan was disposed before the petitioner took the charge. Petitioner has no criminal antecedent and similarly situated co-accused has been granted anticipatory bail by co-ordinate Bench of this Court vide Annexure-6 series.

Learned APP for the State as well as learned counsel for the Vigilance opposed the prayer for bail and submitted that the witness has not supported this fact rather petitioner is involved in defalcation. He signed the document without the work being complete, therefore, payment was made to the concerned Contractor.

Having regard to the facts and circumstances of the case, since similarly situated co-accused have been granted bail, 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.48/2015, 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 and he shall appear before the learned trial court as and when called. If the petitioner fails to appear before the learned court below on two consecutive dates, Vigilance, is at liberty to file for cancellation of bail.

(Anjani Kumar Sharan, J)

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