

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18058 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- VIGILANCE District- Patna

Phanindra Nath Singh S/O- Late Maharaj Singh R/O- Village- Arara, P.S.-
Adapur, Dist.- East Champaran, At Present R/O- Muhalla- Chandmari Ward
No. 25, P.S.- Town Motihari, Dist.- East Champaran.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manindra Kishore Singh, Adv.
For the State	:	Mr. Rajesh Kumar, APP
For the Vigilance	:	Mr. Arvind Kumar, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-04-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Special Case No. 21 of 2022 arising out of Vigilance Patna P.S. Case No. 34 of 2022 registered under Sections 406, 409, 420, 467, 468, 471, 120 (B) of the Indian Penal Code and Sections 13(2) read with Section 13 (1) (C) of Prevention of Corruption Act, 1988.

3. It is alleged that petitioner along with other accused persons embezzled the money amounting to Rs. 1,75,00,612/- when they were then engineers and contractors in the construction against the Agreement No. 3F2/2005-06. It is



further alleged that altogether 221 Items had to be constructed in respect to the said agreement in the year 2005-06 and 2006-07. But only 132 constructions were found available. It is also alleged that the payments against all 221 constructions were made to the tune of Rs. 11,32,14,276/- to the contractor.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case after retirement of his job only on suspension. Further submission is that petitioner retired from the post of Junior Engineer on October 2012 and the said work is related to the year 2005-06 and 2006-07. During his service period, no irregularity was found and after lapse of about 18 years of the agreement, this case has been lodged. It is next submitted that the charge-sheet has already been submitted in this case. Custodial interrogation is no more required. There is no allegation of tampering with the evidence against the petitioner. The petitioner is an old man having aged about 71 years and has got no criminal antecedent.

5. Learned counsel appearing on behalf of the Vigilance has vehemently opposed the prayer for bail of the petitioner by contending that the payment in excess of Rs. 1,75,00,612/- was made to the contractors by the accused petitioner and other



accused public servants without the construction of structures at 89 sites. He further contended that the notice *vide* letter no. 10430 dated 27.09.2023 and reminder *vide* letter no. 11234 dated 13.10.2023 was sent by the I.O. to the petitioner, but despite the said notice he did not appear.

6. Having considered the fact that the charge-sheet has already been submitted as well as the old age of the petitioner, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge Vigilance, Muzaffarpur in connection with Special Case No. 21 of 2022 arising out of Vigilance Patna P.S. Case No. 34 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr. P.C. and with the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Prabhat Kumar Singh, J)

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