

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35295 of 2024

Arising Out of PS. Case No.-44 Year-1991 Thana- C.B.I CASE District- Muzaffarpur

Hriday Narayan Chaudhary, aged about 75 years, Male, Son of Radhakant Chaudhary, Resident of Village- Habibhaur, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Department, Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 05-08-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the vigilance.

2. The petitioner seeks bail in connection with Vigilance P.S. Case No. 44 of 1991 corresponding to Special Case No. 29 of 2002 instituted for the offences punishable under Sections 120B, 420, 467, 468, 471, 477 and 109 of the Indian Penal Code and Sections 13(2) read with Section 13(I) (D) and 15 of the Prevention of Corruption Act.

3. As per the prosecution case, the allegation against the petitioner is that he is a witness to the registered deed executed at Registry Office, Bahera.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence and has falsely been implicated in this case. He further submits that during the entire investigation by the Vigilance, no notice or any information regarding involvement of the petitioner in the present case was served to the petitioner. Therefore, the petitioner has no knowledge about the case. He next submits that the petitioner has not received any summon or notice issued by the trial Court, but he surrender before the trial Court. Petitioner is old man aged about 75 years suffering from various disease. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 20.02.2024.

5. Learned APP for the State and learned counsel for the Vigilance opposed the prayer for bail. Learned counsel for the Vigilance submits that the petitioner may be enlarged on bail after framing of the charge.

6. From perusal of the FIR and impugned order of the learned Special Judge Vigilance, Muzaffarpur dated 02.03.2024, it appears that the case has been registered against 16 named and other unknown persons including the petitioner. Petitioner is an old man aged about 75 years having clean antecedent and suffering from various diseases. Similarly situated co-accused person namely Ajay Kumar has been granted anticipatory bail



by a co-ordinate Bench of this Court in Cr. Misc. No. 17439 of 2015 vide order dated 04.09.2015, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Muzaffarpur in connection with Vigilance P.S. Case No. 44 of 1991 corresponding to Special Case No. 29 of 2002, subject to the condition that the petitioner shall be physically present before the trial Court till conclusion of proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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