

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48180 of 2024

Arising Out of PS. Case No.-8 Year-2016 Thana- DESARI District- Vaishali

Dr. Ajeet Kumar Tiwari @ Ajeet Kumar Tiwari Son of Late Krishna Kumar Tiwari Resident of Mohall- Mithapur B Area, Near Mithapur, P.O. and P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Department Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sourendra Pandey, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar, APP
For the Vigilance	:	Mrs. Archana Palkar Khopde, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-12-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Desari (Sahdai O.P.) P.S. Case No. 08 of 2016 instituted under Sections 406, 420, 409, 467, 468, 471, 472 and 120(B) of the I.P.C. and Section 13(2) and 13(1)(a) of Prevention of Corruption Act lodged on 14.01.2016 by the informant, Ajit Kumar Tiwary.

3. As per the prosecution story, the allegation is that one Shri Awadhesh Singh misappropriated Rupees three lacs of Asha Kumari, ANM worker and rupees eight lacs of Anju Kumari, another ANM worker from their Provident Funds and in the process, misappropriated the aforesaid amount. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that admittedly, the petitioner was the person who lodged the FIR after the facts came to the notice and upon enquiry held by the C.M.O., Vaishali, Hajipur. He submits that subsequently during investigation, the Vigilance Department also implicated him which has resulted into his filing of the present petition. Total withdrawal amount is Rs. 3,00,000/- and 8,00,000/- (totalling Rs. 11,00,000/-) while another withdrawal of Rs. 12,00,000/- was unsuccessful.

5. Learned counsel for the petitioner further submits that Awadhesh Singh has subsequently deposited the entire amount whereafter he was granted relief. He has taken this Court to an order passed on 11.08.2023 in Cr. Misc. No. 47821 of 2023 (Lakshman Mahto vs. The State of Bihar & Anr.), specifically, it has been incorporated that Awadhesh Singh has deposited Rs. 12,00,000/- which followed his anticipatory bail.

6. Learned counsel for the Vigilance opposes the prayer submitting that the creator of the FIR himself has been found to be an accused and his role/complicity is there, he has also delayed coming to the Court.

7. Learned counsel for the petitioner submits that he was unaware of his accusation and once, it came to light, he has



immediately filed the present petition.

8. Having gone through the facts of the case as also the materials on record and the submissions put forwarded by the parties, the amount which was withdrawn now has been deposited by Awadhesh Singh, the main accused in whose account the said amount was transferred, the second attempt of withdrawal of Rs. 12,00,000/- was stalled, this petitioner has no criminal antecedent and as submitted by learned counsel for the petitioner, he shall be diligently cooperating in all the investigation/trial, in that background, this Court is inclined to grant him the privilege of anticipatory bail with conditions.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Vigilance, North Bihar, Muzaffarpur, in connection with Desari (Sahdai O.P.) P.S. Case No. 08 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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