

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63180 of 2024

Arising Out of PS. Case No.-24 Year-1997 Thana- VIGILANCE District- Patna

Brijendra Thakur S/o Late Bhukhan Thakur R/o Village- Mohanthi Lal
Chowk, PS and District- Madhubani

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Opposite Party/s : Mr. Arbind Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2024 1. Heard learned counsel for the petitioner, Mr. Vijay
Kumar and learned Special P.P. for the Vigilance, Mr. Arbind
Kumar.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 409, 420,
467, 468, 471 and 120(B) of the Indian Penal Code as well as
Section 5(2) read with Section 5(1)(D) as well as Section 13(2)
read with Section 13(1)(D) of the Prevention of Corruption Act,
1988.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is aged about 75
years and is suffering from various ailments as specifically
pleaded at Para-13 of the anticipatory bail application.



4. It is next submitted that in sum and substance the allegation is that Shri Sadanand Jha, the then District Superintendent of Education, Madhubani in between 01.01.1985 to September, 1987 in breach of departmental instructions and by misusing his official position, in connivance with the members of the purchase committee, gained monetary benefit not only for himself but also got the suppliers benefited based on forged documents relating to tender and showing forged supply in name of forged firms causing monetary loss to the government, it is further alleged that the accused persons purchased register and paper at a higher rate for a sum of Rs. 10 Lakhs from the petitioner, who is owner of Mithila Printing Press, Madhubani, apart from other allegations as detailed in the FIR.

5. Learned counsel for the petitioner submits that the allegation is of the period 01.01.1985 to September, 1987 and the FIR came to be instituted in the year 1997 i.e. after ten years of the occurrence. It is further submitted that petitioner had moved before the learned Trial Court seeking anticipatory bail in the year 2005, but the same was rejected, but then the petitioner never moved before this Court seeking anticipatory bail. It is also submitted that police in these more than 25 years



never made any endeavours to arrest the petitioner, now when petitioner is nearing his grave, efforts are being made to arrest him. It is further submitted that even petitioner is suffering from various ailments and had got his first stent fitted for his Coronary Artery blockage in the year 2007 and the same process was repeated in the year 2015, thereafter on 14.03.2023, the doctor came to a finding that he was suffering from CKD, Type II diabetes Mellitus, Hypertension, Coronary Artery disease, further in the year 2023 again stent was fitted after angiography. It is also submitted that the petitioner has lost his memory for which his treatment is already going on. It is next submitted that now petitioner is not in a position even to furnish his explanation.

6. Learned Special P.P. for the Vigilance opposes the prayer for anticipatory bail of the petitioner, but then is not in a position to rebut the said submission of the learned counsel appearing on behalf of the petitioner that during the course of investigation, no efforts were made to arrest the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Special Case No. 13 of 1997 arising out of Vigilance Case No. 24 of 1997 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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