

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66525 of 2023

Arising Out of PS. Case No.-875 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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RAMNATH PASWAN S/o Biltu Ram R/o Village-Rajapur Mathia, P.S.-
Kotwa, District-East Champaran (Motihari)

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Paswan, Advocate
For the E.O.U.	:	Mr.V.N.P. Sinha, Sr. Advocate
		Mr.Vijay Anand, Advocate
For the Vigilance	:	Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 10-04-2024 Heard Mr. Binod Kumar Paswan, learned counsel for the petitioner, Mr. V.N.P. Sinha, learned Senior Counsel assisted by Mr. Vijay Anand, learned counsel for the Economic Offence Unit (in short 'E.O.U.') and Mr. Anil Singh, learned counsel appearing on behalf of the Vigilance.

2. The petitioner is apprehending his arrest in connection with Motihari Town P.S. Case No. 875 of 2018, F.I.R. dated 14.12.2018 for the offences punishable under Sections 420, 409, 467, 468, 471, 472, 120(B)/34 of the Indian Penal Code and under Section 13 (1) (c) read with 13(2) of P.C. Act and under Sections 66 (C), 66(D) of I.T. Act.

3. According to prosecution case, an amount of Rs. 2,49,61,728/- and Rs. 55,66,272/- was transferred in the account



of one Sukdeo Sao, who is the owner of the land which was acquired for establishing Mahatma Gandhi Central University. However, later on another person with the same name claimed the compensation and an amount of Rs. 3,17,40,800/- has been embezzled in the said incident.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegations levelled against the petitioner are false and fabricated and petitioner has no role in the present occurrence and it appears from the FIR itself that the amount in question was transferred in the bank account of one Jaikshun Tiwari and Arvind Singh and at that time the petitioner was posted as a Clerk in the Land Acquisition Office, Motihari and he has no concern at all in the alleged occurrence. He further submits that the petitioner is not named in the FIR and his name has been transpired in the Supervision Report of the Deputy S.P. Sadar, Motihari and the co-accused person namely Choudhary Basant Kumar Singh who was Circle Officer has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 28.06.2023 passed in Cr. Misc. No. 67941 of 2019 and the case of the petitioner stands on the same footing.



5. The learned counsel appearing on behalf of the E.O.U. and learned counsel appearing on behalf of the Vigilance have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one. He further submits that in connivance of the petitioner, the present occurrence has taken place and the petitioner has actively participated in the present crime in question.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond 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 Motihari Town P.S. Case No. 875/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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