

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19141 of 2025

Arising Out of PS. Case No.-120 Year-91 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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RAJ KUMAR PANDEY SON OF LATE RANGAN PANDEY RESIDENT OF
WARD- NO.- 14, SONEPURWA , GARHWA, P.S.- GARHWA (TOWN), DISTT.-
GARHWA (JHARKHAND)

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE SECRETARY VIGILANCE DEPARTMENT, PATNA, BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Singh, Adv.
For the State	:	Ms. Nirmala Kumari, APP
For the Vigilance	:	Mr. Arvind Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 12-08-2025 Heard learned counsel for the petitioner, learned APP for the
State and learned counsel appearing for the Vigilance.

2. The petitioner apprehends his arrest in a case registered for
the offences punishable under Sections 409/34, 120 (B) of the Indian
Penal Code and Section 5(2) of the P.C. Act.

3. The allegations in the FIR against the petitioner, who was
one of the contractors in the project for construction of Durgawati
Reservoir, is that he charged huge amount of money for completion
of the said project and in course of the same, loss has occurred to the
State Exchequer and wrongful gain has been made by the accused
persons including the present petitioner.

4. Learned counsel for the petitioner, at the outset, submits
that the present case was lodged in the year 1991 and during the



lapse of long 32 years, the police has not made any efforts to arrest the petitioner and no summons etc. has ever been served upon him and there is complete dearth of any substantive and concrete evidence against the petitioner.

5. The petitioner is said to be a contractor of the project and the work of the project had been completed in the year 1985-86 itself and the present case was instituted thereafter in the year 1991 after a lapse of about 5-6 years. It is also submitted that as a matter of fact, the State Government still owed a huge sum to the petitioner for the work already completed by the later. Besides the merits of the case, the other fact which would assume significance is that the petitioner is aged about 90 years and is also suffering with many old age ailments including dementia, and Annexure-4 has been placed on record to substantiate the same. In such view of the matter, it is submitted that no useful purpose would be served by putting the petitioner behind bars, also in the backdrop of the fact that the police could have submitted charge sheet even in the absence of the petitioner, had any material transpired against him.

6. Learned counsel for the Vigilance, however, strongly opposes the prayer for anticipatory bail on the ground that the petitioner had knowledge about this case in the year 1992 itself and hence, on the ground of delay in approaching the Court for grant of anticipatory bail, the present application of the petitioner should not



be entertained.

7. Considering the rival contentions of the parties including the fact that the petitioner is a 90 years old man suffering from several ailments, it would not be in the interest of justice to put him behind the bars as there is no likelihood of him absconding or even tampering with the evidence. Further, no custodial interrogation of the petitioner is necessary considering that the case is based on documents.

8. In view of the special facts and circumstances of the case, let the petitioner, above named, who has no criminal antecedent, in the event of his arrest or surrender before the Court below within four weeks, be released on anticipatory 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 lower Court where the case is pending/successor Court in connection with Bhagwanpur P.S. Case No. 120 of 1991, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and further condition that the petitioner shall cooperate in the process of investigation and trial.

(Soni Shrivastava, J)

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