

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50889 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- VIGILANCE District- Patna

Awadhesh Kumar son of Late Ram Sagar Sharma Village- Pinjaur PS- Paras
Bigha District- Jehanabad presently near LTC Ghat Mainpura Flat No 103
Gangotri Arcad Patna

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 409, 420, 467, 468, 471 and 120B of the Indian Penal Code and Sections 13(2) and 13(c)(d) of the Prevention of Corruption Act.

3. As per prosecution case, it is alleged that petitioner, along with other co-accused persons, embezzled the money amounting to Rs. 1,75,00,612/- when they were engineers and contractors in the construction against the Agreement No. 3F2/2005-06. It is further alleged that altogether 221 items had



to be constructed in respect to the said agreement in the year 2005-06 and 2006-07, but only 132 constructions were found available.

4. It is submitted by learned senior counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. From bare perusal of the F.I.R. it is apparent that there is general and omnibus allegations leveled against all the accused persons, including this petitioner and no specific roll has been mentioned about this petitioner in the entire prosecution case. Petitioner retired from his services in November, 2015 and the present case has been lodged after retirement of this petitioner, merely on the basis of suspicion and after lapse of about 18 years of the alleged agreement. It is next submitted that the charge-sheet has already been submitted in this case. Custodial interrogation is no more required. There is no allegation of tampering with the evidence against the petitioner. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 29.04.2024 passed in *Cr. Misc. No. 18058 of 2024* and 13.09.2024 passed in *Cr. Misc. No. 40358 of 2024*.

5. On the other hand, learned A.P.P. for the State and



learned counsel appearing on behalf of the vigilance have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific and direct accusation that he, along with other accused person, embezzled government money. At the relevant time, this petitioner was posted as Assistant Engineer and it was his duty to assess the quality and amount of work done and without construction of 89 sites, all the accused persons, including this petitioner, defalcated the government fund. It is further submitted that earlier the prayer for grant of anticipatory bail to this petitioner in Special Case No. 10 of 2015 arising out of Vigilance P.S. Case No. 48 of 2015 was rejected by this Hon'ble Court vide order dated 05.07.2019 passed in *Cr. Misc. No. 5099 of 2019* but till date the petitioner has not surrendered before the learned trial court which itself shows the conduct of the petitioner and his disregard for orders of the Court and, therefore, petitioner cannot claim parity with other similarly situated accused persons. Petitioner has also got three criminal antecedents.

6. Considering the aforesaid facts and circumstances, conduct of the petitioner, specific and direct nature of accusation and criminal antecedents, the prayer for grant of anticipatory



bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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