

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43273 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -C.B.I CASE District- PATNA

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1. Baleshwar Singh Parmar Son of late Surendra Singh Resident of Village-
Balra Ishmile, P.S. - Maniyari, District Muzaffarpur(Bihar) the then Head
Clerk, District Agriculture Office, Samastipur(Bihar).

.... Petitioner/s

Versus

1. The State of Bihar Through The Superintendent of Police, Vigilance
Investigation Bureau, Muzaffarpur Range, Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.P. Pandey, Sr. Advocate
With Mr. Rakesh Kumar
For the Opposite Party/s : Mr. Rama Kant Sharma Sr. Adv (Vigi)


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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 28-10-2016 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out
of Vigilance P.S. Case No. 58 of 2015 (Special Case No. 24 of
2015), disclosing offences under Sections 406, 409, 420, 467,
468,471,120B of the Indian Penal Code and Sections 13(2) read
with section 13(1) (d) of the Prevention of Corruption Act.

The petitioner, at the relevant point of time, was posted
as Head Clerk in the office of the District Agriculture Officer,
Samastipur. There are nine persons named in the First
Information Report including the District Agriculture Officer and
Block Agriculture Officer, who are said to have played role in



misappropriation of subsidy amount to the tune of Rs. 40 lacs, on purchase of 8(eight) combined harvesters. The said subsidy was given by the State Government under certain scheme of the Central Government. Allegedly, the accused persons and beneficiaries in collusion withdrew the subsidy amount fraudulently, without actual purchase of the harvesters.

Learned Senior Counsel appearing on behalf of the petitioner has submitted, referring to the First Information Report, that no specific role of the petitioner leading to the alleged misappropriation of the said amount has been mentioned. He contends that the petitioner has been implicated only because at the relevant point of time, he was working as Section Officer in the office of District Agriculture Officer, Samastipur. He has further submitted that the subsidies were made available upon verification having been done by the District Agriculture Officer, Block Agriculture Officer and other Officers of the Agriculture Department. Based on such verification, the petitioner had merely prepared a report. It has further been submitted that the petitioner retired in August, 2015 and though the First Information Report came to be registered on 29.07.2015, till date no effort has been made to interrogate him. He submits that as and when required, he will make himself available before the Investigating Officer or

the Court if granted the privilege of anticipatory bail.

Mr. Ramakant Sharma, learned Senior Counsel appearing on behalf of the Vigilance Investigation Bureau has opposed the prayer for anticipatory bail and has submitted that in course of investigation, the petitioner's complicity in commission of the offence has also come to light and, therefore, he should not be granted anticipatory bail. He has, however, not been able to point out from the case diary that any attempt was made by the Bureau to interrogate him and he ever avoided from being interrogated by the Investigating Officer.

In view of the submissions as advanced on behalf of the petitioner and the fact that the petitioner is a retired government employee and there is no likelihood of him fleeing away from the course of investigation or trial, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within four weeks from today in the Court below 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 (North Bihar), Muzaffarpur in Vigilance P. S. Case No. 58 of 2015 (Special Case No. 24 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Court/police, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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