

(2011) 01 JH CK 0030

Jharkhand High Court

Case No: B.A No. 9068 of 2010

Dr. Sheo Shankar Biruwa

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision: Jan. 3, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 409, 420
- Prevention of Corruption Act, 1988 - Section 13(1), 13(2)

Hon'ble Judges: Pradeep Kumar, J

Bench: Single Bench

Judgement

Pradeep Kumar, J.

Heard learned Counsel for the Petitioner and the learned Counsel for the Vigilance.

2. This is an application for grant of regular bail to the Petitioner in a case registered under Sections 409, 120B, 420 IPC, 13(2) read with Section 13(1)(d) of the P.C. Act.

3. It is submitted by the learned Counsel for the Petitioner that the purchase was made during the tenure of the Petitioner, when he was the Civil Surgeon, Jamshedpur, as per the prescribed rate given by the Government and the allegation of illegality and corruption is not correct. However, the learned Counsel for the Petitioner stated that the Petitioner is ready to deposit the loss amount of Rs. 1,73,581/-subject to the result of the case. It is further submitted that the Petitioner has remained in custody from 22.11.2010 and as such, he may be released on bail.

4. While opposing the prayer for bail, learned Counsel for the State submitted that the Petitioner is prime accused and he was the Civil Surgeon, who made orders and no doubt the orders have been made as per the higher limit of the Government and as such, the allegations are directly against the Petitioner.

5. In the facts and circumstances, since the Petitioner is ready to deposit the loss money, the Petitioner is directed to deposit the loss amount of Rs. 1,73,581 in the

State Treasury under appropriate head and the Treasury Officer, Ranchi is directed to accept the same and after depositing the aforesaid amount, the Petitioner, above named, will be released on bail on furnishing bail bond of Rs. 20,000/-with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance, Ranchi in connection with Special Case No. 28/2004, Vigilance Case No. 24/2004, subject to the condition that one of the bailors will be the local resident having property within the jurisdiction of the court concerned and the Petitioner will attend the court once in a month on the date fixed in the trial and shall cooperate with the investigation of the case, failing which his bail bond shall be cancelled.