

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17362 of 2015

Arising Out of PS.Case No. -12 Year- 2015 Thana -C.B.I CASE District- PATNA

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1. Vijay Kumar S/O Late Jhulan Singh, resident of village- Bhelwa, P.O.+
P.S.- Hasua, District- Nawada, presently posted as Karmchari Halka No.- 1,
Block- Sirdala, District- Nawada

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma (LAW OFF. VIG)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

3 14-05-2015

Heard learned counsel for the petitioner as well as

learned counsel representing the vigilance.

Petitioner who happens to be a Karamchari was red handed apprehended along with Rs. 16,000/- during course of trap to facilitate mutation in favour of complainant, Bhola Ravidas.

It has been contended on behalf of petitioner that admittedly, recovery of Rs.16,000/- happens to be from the possession of the petitioner but that was not for doing favour in favour of Bhola Ravidas because of the fact that no petition for mutation was pending before the petitioner even during course of investigation, the IO failed to trace out any such prayer having been made on behalf of Bhola Ravidas. It has further been submitted that the truth is otherwise. At an earlier occasion, brother of Bhola Ravidas had filed a petition of mutation over

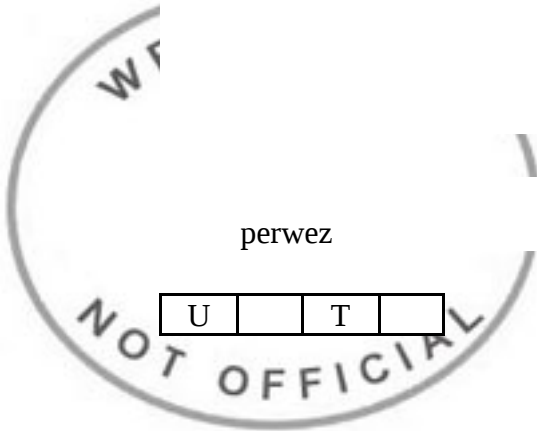


which petitioner had given his dissent notes and on account thereof, his prayer for mutation was successively rejected. Being annoyed thereof, Bhola Ravidas managed the things, procured the trap witness and then persuaded the petitioner to keep the amount for a while as he was coming after finishing some work, during midst thereof, got him implicated in this case. When there was no prayer, there was no justification for the petitioner to demand and accept the amount to do favour. As such, petitioner is entitled for bail.

On the other hand, learned counsel representing vigilance opposed the prayer for bail and submitted that petitioner was apprehended while he was accepting Rs. 16,000/- from Bhola Ravidas which was seized from his possession and the chemical examination followed thereupon affirms the same. The trap witnesses also corroborated the event. However, fairly concedes that during course of investigation, the Investigating Officer did not trace out whether any prayer for mutation at the end of Bhola Ravidas was made either before Block office or before petitioner.

In the aforesaid facts and circumstances of the case, petitioner, Vijay Kumar is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance-1st

Patna in Vigilance Case No. 12/2015 and Special Case
No.06/2015.



(Aditya Kumar Trivedi, J)