

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27338 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -C.B.I CASE District- PATNA

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1. Rakesh Ranjan son of Late Bachoo Lal Choudhary resident C/o Sri Rama Shankar Singh, Village - Baraji, P.S. - Mohania, Near Patna More, Dist. - Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar through Vigilance.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Pranav Kumar

For the Opposite Party/s : Mr. Rama Kant Sharma(L.O,I/C Vig.)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 29-09-2016 Heard learned Senior Counsel for the petitioner and learned Senior Counsel for the Vigilance.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 420/409/467/468/47/120(B) of the Indian Penal Code and Section 13(2),13(1)(C)(D) of the Prevention of Corruption Act, 1988.

Learned Senior Counsel for the petitioner submits that a raid was conducted at Karmanasha check-post wherein there had been an excess recovery of cash to the tune of rupees five lacs which stood unexplained. At the relevant point of time, the petitioner was posted as a Motor Vehicles Inspector at Kaimur (Bhabhua). It is alleged that the petitioner being one of the important



functionaries of the Motor Vehicles Department had been indulging in corrupt practices and it was on account of nexus between himself as well as the District Transport Officer, that certain clandestine acts for recovery of money from the vehicles which were crossing the said check-post, were being undertaken. It was in pursuance of such apprehension, that a raid was conducted at the check-post and the alleged recoveries were made from the Karmanasha check-post.

Accordingly, raids were conducted simultaneously at the office and residence of the District Transport Officer as well as the present petitioner, who was at that point of time functioning as the Motor Vehicle Inspector. In pursuance of such raid, the State Inspecting Agencies recovered incriminating materials and accordingly, the petitioner is facing prosecution.

Learned Senior Counsel appearing on behalf of the petitioner submits that petitioner has subsequently been placed under suspension and whatever materials and papers/documents were required to be investigated upon, have already been taken into custody by the Vigilance Department and there is no chance of the petitioner tampering or absconding as the petitioner is a Government servant and is also facing departmental proceeding. It is further submitted that at the relevant point of time, the



petitioner was not present at Mohania rather he had come to Patna in connection with admission of his ward at one of the schools at Patna. Learned Senior Counsel further submits that so far as the petitioner is concerned, he is not at all connected with the collection of the toll at the Karmanasha check-post rather other officials are posted at the check-post for such collections. He has submitted that the petitioner has been posted as the Motor Vehicles Inspector at Kaimur District since April, 2015. His nature of duties is to conduct driving tests, issuance of fitness certificate of vehicles and to investigate accident papers or verification of engines and chassis for new registration of vehicles. His further duty is to supervise the vehicles owned by the Government within the district and he is also required to check loading/overloading of the vehicles. As such, the petitioner is given a separate book by the State Transport Authorities for using the same as money receipt, in case of seizure made by him of the concerned vehicle, in case, it is found to be overloaded and for compounding within the district of Kaimur at Bhabhua. The duties with regard to Karmanasha check-post have been assigned to other persons and not this petitioner.

Learned Senior Counsel for the petitioner further submits that since the time the petitioner has been extended the interim benefit,



he is not likely to misuse the same and he undertakes to appear in the Court of Vigilance as and when called upon for further investigation/interrogation, provided the dates and the same is communicated to him. A supplementary affidavit has been filed to the said effect. Learned Senior Counsel further submits that the petitioner shall appear immediately before the Court below on submission of the chargesheet by State Vigilance. It is submitted that whatever and whenever necessary, he shall co-operate with the investigation and the progress of the case as per the directions of the Vigilance Court and shall not do anything which shall hinder its progress so that it may reach its logical conclusion.

Learned Senior Counsel appearing on behalf of the State Vigilance has filed a counter affidavit in this case stating, while referring to several paragraphs of the case diary, that the accused petitioner in his capacity as Motor Vehicles Inspector, Kaimur and one Aminesh Kumar, the then DTO, in connivance and conspiracy with each other used to run a racket for collecting money from the vehicle passing through the area. During the course of investigation and the raid conducted by the Vigilance sleuth at Karmanasha check-post, an excess amount of rupees five lacs and twenty-eight thousand was recovered and seized by the raiding party for which no plausible explanation can be offered by those



present there and also by the petitioner. It is further submitted that during the course of investigation, from the residence of the petitioner certain incriminating note books were also recovered, which are subject to verification and also indicative of the on going rampant corrupt practices being employed by the petitioner and his accomplices. It is under such circumstances that the learned counsel for the State Vigilance has seriously contested the present application. He also submits that there are further materials in the case diary to support the allegations as made out in the First Information Report.

Having considered all facts and circumstances of the case and taking into consideration the undertaking given by the petitioner and also recording that the petitioner has undertaken to appear before the Court below on submission of chargesheet, let the petitioner abovenamed, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Vigilance-1st, Patna, in connection with Vigilance P.S. Case No. 41/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that one of the bailors should be a blood relative of the petitioner who shall keep the Court informed about the whereabouts of the petitioner. The undertaking which has been given by the petitioner shall be honoured by him in all circumstances. If the petitioner absents himself on two consecutive dates without permission of the Court, it shall be open to the prosecution to take appropriate action in accordance with law.

(Anjana Mishra, J)

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