

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26052 of 2016

Arising out of PS.Case No. -4 Year- 2016 Thana -C.B.I CASE District- PATNA

MANTU KUMAR @ MATU KUMAR, S/o Sri Prakash Sah, resident of C/o Sanjay Gupta Kalubaganj, Mirjanhat, Bhagalpur, P.S. Bhagalpur, District- Bhagalpur and Employees of Income Tax Office ward 1(3) Bhagalpur.

.... Petitioner

Versus

The State of Bihar through C.B.I.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bindhyachal Singh, Advocate.

For the Opposite Party : Mr. Bipin Kumar Sinha (S.C. CBI)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 29-08-2016 Heard learned counsel for the petitioner and learned counsel for the C.B.I.

The petitioner is languishing in custody since 10.03.2016 in connection with Special Case No. 02 of 2016, arising out of Vigilance P.S. Case No. R.C.-04(A) of 2016 for the offences instituted under Section 120(B) of the IPC and Section 7 of the Prevention of Corruption Act.

The prosecution story, in brief, is that the petitioner being the Senior Tax Assistant in the Income Tax Department demanded Rs. 90,000/- as bribe from the complainant to drop the proceeding against him. The complainant did not want to pay the bribe money and he filed complaint petition.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.03.2016 and the charge sheet has

been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. The petitioner is a Senior Tax Assistant in the Income Tax Department. It is alleged that on behalf of co-accused, Aditya Choudhary, the petitioner used to accept the bribe and subsequently passed over the same to the co-accused. There is a difference in the time of arrest between the petitioner and other co-accused. Hence, the prosecution can not be relied upon. He has been made accused in the present case due to mistake of fact. The other co-accused has been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 18980 of 2016.

On behalf of the C.B.I., it has been submitted that the petitioner had also conspired in taking bribe on behalf of co-accused.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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, C.B.I.-III, Patna, in connection with Special Case No. 02 of 2016, arising out of Vigilance P.S. Case No. R.C. 04(A)/2016.

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(Sudhir Singh, J)