

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18980 of 2016

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1. Aditya Choudhary S/o Late Biswanath Choudhary resident of Village-Katsar, P.S. Bihta, District- Patna.

.... Petitioner/s

Versus

1. The Union of India through CBI, ACB Patna Branch

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh

For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC CBI)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 13-05-2016 Heard learned counsel for the petitioner as well as learned counsel appearing for the C.B.I.

Petitioner seeks bail in a case registered for the offences punishable under Section 120B of the Indian Penal Code and Section 7 of Prevention of Corruption Act, 1988.

The elaborate arguments of the parties had already been mentioned in order dated 09.05.2016 and on that date, learned counsel appearing for the C.B.I. sought time to verify the contentions of learned counsel of the petitioner.

Today, learned counsel appearing for the C.B.I. submits that as a matter of fact, co-accused, Mantu Kumar was caught accepting bribe but he was not taken into custody on paper and after that petitioner was caught accepting the same bribe

amount from co-accused, Mantu Kumar and after that memo of arrest of both the persons was prepared and that is the reason the arrest of petitioner was shown first and after that the arrest of co-accused, Mantu Kumar was shown in arrest memo.

Petitioner was an Income Tax Officer and it is an admitted position that he had initiated assessment proceeding against the allegation maker and after that it is said that he demanded bribe from the allegation maker to settle his assessment case.

The C.B.I. claims that a trap team was constituted and the said team caught co-accused, Mantu Kumar who accepted the bribe on behalf of the petitioner and after that at the direction of C.B.I. officials, co-accused Mantu Kumar talked with the petitioner and thereafter, petitioner was, too, caught by the C.B.I. officials accepting the above stated bribe money.

Learned counsel appearing for the C.B.I. tried to convince me about the ambiguity occurred in memo of arrest but I am not, at all, convinced at present because the arrest of Mantu Kumar was shown from his house and not from the house of the petitioner and, therefore, the aforesaid arrest memo goes to show that aforesaid Mantu Kumar had taken into custody by the C.B.I. officials near his house and not at the house of the petitioner.

However, the C.B.I. has already submitted charge sheet against the petitioner, who is languishing in jail custody since 10.03.2016 and, therefore, the aforesaid fact goes to show that the C.B.I. does not require the presence of the petitioner for further interrogation.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I. III, Patna in connection with Special Case No. 02 of 2016, RC No. 4 A of 2016.

It is made clear that the observations/ findings given in this order shall not cause prejudice to the mind of trial court in course of trial.

(Hemant Kumar Srivastava, J)

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