

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38394 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -VIGILANCE District- PATNA

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1. Kapil Deo Baitha son of late Bharat Baitha resident of village - Karariya Baragi Tola, P.S. - Kotwa, District - East Champaran.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi
Mr. Alok Kumar Shahi

For the Vigilance : Mr. Ramakant Sharma (L.O.,Inc.,Vigi.)

For the informant : Mr. Ambuj Kumar Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned Senior Counsel for the Vigilance Department.

Petitioner is languishing in custody since 14.06.2017 in connection with Special Case No. 22/017, arising out of Vigilance Case No. 42/2017 for offences punishable under Sections 7/8/13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

The prosecution case is that on the basis of information of one Bramhanand Prasad, a raid was conducted in the office of Revenue Officer Hari Kishore Prasad and the said Revenue Officer was found to have taken bribe of Rs. 10,000/- while the



petitioner was found to have taken bribe of Rs. 5,000/- for issuance of rent receipt in relation to a property of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and is not a public servant, rather a private person and, hence, provisions of Prevention of Corruption Act, 1988 will not be applicable against him. He further submits that he had come to the office of the Revenue Officer for his personal work and has been nabbed by the vigilance official.

However, learned counsel for the informant Bramhanand Prasad submits that the petitioner has taken illegal gratification along with the Revenue Officer for issuance of rent receipt, hence, opposes the prayer for bail.

Learned Senior Counsel for the Vigilance also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance, Muzaffarpur in connection with Special Case No. 22/017, arising out of Vigilance Case No. 42/2017, subject to the



condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will cooperate with the investigation and provide all necessary papers in respect of the aforesaid case and will appear before the vigilance court during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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