

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49597 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -VIGILANCE District- PATNA

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1. Prem Kumar Singh, Son of Late Balswaroop, resident of Village- Pate,
Police Station- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police- Cum- officer-
In- Charge, Vigilance Investigation Bureau, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-11-2017 Heard learned counsel for the petitioner, learned
counsel for the Vigilance and learned APP for the State.

Petitioner is languishing in judicial custody since
20.07.2017 in connection with Special Case No. 27 of 2017,
arising out of Vigilance P.S. Case No. 57 of 2017 for offences
punishable under Sections 7/13(2) read with Section 13(1)(d) of
the Anti Corruption Act, 1988.

The prosecution case, as lodged by the Vigilance, is that
on the complaint of truck owner Nawlesh Sharma, whose truck
was seized while on way loaded with sand that the petitioner, who
was ASI and was investigating the case bearing Hajipur Nagar
P.S. Case No. 380 of 2017, demanded Rs. 15,000/- from the truck
owner Nawlesh Sharma, a trap team was constituted and petitioner



was trapped with accepting bribe of Rs. 10,000/- in his Government quarter.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case in order to put pressure regarding investigation of Hajipur Nagar P.S. Case No. 380 of 2017. He submits that nothing has been recovered from his conscious possession and he is languishing in judicial custody for 3½ months. He further submits that he is ready to cooperate with the investigation and provide all papers necessary in the investigation of the vigilance case.

However, learned counsel appearing for the Vigilance opposes the prayer for bail stating therein that the petitioner was caught red-handed accepting bribe of Rs. 10,000/-.

Learned APP for the State 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, North Bihar, Muzaffarpur, in connection with Special Case No. 27 of 2017, arising out of Vigilance P.S.



Case No. 57 of 2017, subject to the following conditions :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will cooperate in the investigation if not already completed and provide all papers necessary for investigation.
- (iii) Petitioner 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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