IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38413 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -Vigilance District- PATNA

==========

Rakesh Kumar Gupta, son of Amirchandra Prasad Gupta, resident of Village + Post Office+ Police Station- Chenari, District- Rohtas. At present Co-operative Extension Officer, Rampur Block deputed as Taxation Officer, Mohania Check Post, Kaimur

.... Petitioner/s

Versus

The State of Bihar through the Vigilance, State of Bihar, Patna.

.... Opposite Party/s

==========

Appearance :

For the Petitioner : Ms. Asha Verma, Advocate
Mr. Ranvijay Narain Singh, Advocate
Mr. Jitendra Singh, Advocate

For the Vigilance : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate

==========

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

6 25-01-2017 Heard learned counsel for the petitioner and the learned counsel appearing for the Vigilance.

The petitioner is apprehending his arrest in connection with Vigilance P.S. Case No.41 of 2016, Special Case No.21 of 2016, for allegedly having committed the offence under Sections 420, 409, 467, 468, 471, 120B of the Indian Penal Code and Section 13(2) read with Section 13(i)(c)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that the petitioner has been made a victim of circumstances inasmuch as the only role which was assigned to him was to run the

WEB COPY

kiosk and to make the collection at the toll gate. He is, in fact, an officer of the Co-operative Department and has been assigned to the post of Co-operative Extension Officer in the district of Kaimur at Bhabhua. Subsequently, by the order of the District Magistrate, he was deputed to work in the Office of the District Transport Officer, Kaimur, Bhabhua where the D.T.O. assigned him the duty and posted him at Karamnasa check post where collections were being made at the toll gate.

The charge against the petitioner is not at all distinct and the only allegation, which has been made against him, is that he was one of the persons, who was posted at the check post and the money, which was received by way of toll as well as fine, far exceeded the amount, which is said to have been collected by means of money receipt issued at the said check post.

Learned counsel for the petitioner submits that whatever money was collected was deposited and recovery was allegedly made from an almirah kept at the office, with which the petitioner has no concern.

Learned counsel for the petitioner strenuously urged that the petitioner was made a part of the nexus which have been gratuitous for such illegal activity and it was managed

WEB COPY

by the then D.T.O. He further submits that the petitioner was a person picked and chosen by the said D.T.O. for being part of the underhand activity perpetuated by him.

Be that as it may, considering the nature of allegations made against the petitioner and the D.T.O. and the MVI, who are also accused persons in the case, have been extended the privilege of anticipatory bail by different orders passed by this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹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 of 2016, Special Case No.21 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioner shall at all material times participate and co-operate in the investigation and shall present himself on submission of the chargesheet in the court below. It is also made clear that one of the blood relatives of the petitioner shall be one of his bailors and that

WEB COPY

he shall make available to the court regarding the change of address of the petitioner.

(Anjana Mishra, J)

PNM

U		T	

WEB COPY