

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56269 of 2017**

Arising Out of PS.Case No. -451 Year- 2017 Thana -GANDHIMAIDAN District- PATNA

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Birendra Kumar, S/o Laxman Prasad, R/o Kako, P.S. Kako, District  
Jehanabad.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through the S.P., Vigilence Investigation Bureau,  
Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      28-11-2017                      Heard learned counsel for the petitioner, learned  
counsel for the Vigilance and learned APP for the State.

Petitioner seeks bail in connection with Gandhi  
Maidan P.S. Case No. 451 of 2017 corresponding to Special  
Case No. 234 of 2017 for offences punishable under Section  
394 of the Indian Penal Code and Sections 13 (1) (c) (d) read  
with Section 13 (2) of the P.C. Act.

The prosecution case, as lodged by the informant, is  
that while he was going to Patna junction on way he stopped  
for natural call, two constables came in police van and took



him and took out all the money which he possessed. Thereafter with the help of the senior official, the money was returned.

It has been submitted by the learned counsel for the petitioner that he is innocent and is not a constable but the driver on contract basis of the said vehicle. He submits that no overt act has been alleged against him and because he was driving the said vehicle of the constables, he has been made accused and that he has no criminal history and is languishing in judicial custody since 12.09.2017. He submits that no seizure list has been prepared.

However, learned counsel for the Vigilance and learned APP for the State vehemently oppose 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, 1<sup>st</sup> Patna in connection with Gandhi Maidan P.S. Case No. 451 of 2017 corresponding to Special Case No. 234 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having



sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

**(Nilu Agrawal, J)**

Devendra/-

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