

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9460 of 2017

Arising Out of PS.Case No. -148 Year- 2016 Thana -VIGILANCE District- PATNA

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1. Sunil Kumar Dutta, A.S.I. son of Late Rajeshwar Sharma resident of Village & P.S. Siwaipatti, District Muzaffarpur permanent address Village Chhotia, P.S. Khijarsarai, District - Gaya. Petitioner/s

Versus

1. The State of Bihar, through Vigilance, North Bihar, Muzaffarpur. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhuri Lata

For the Opposite Party/s : Mr. Ramakant Sharma (L.O., Inc., Vigilance)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 11-04-2017 Heard learned counsel for the petitioner and learned counsel for vigilance.

The petitioner seeks bail in connection with Special Case No. 68 of 2016 arising out of Patna Vigilance P.S. Case No. 148 of 2016 registered for the offences punishable under Sections 7, 8, 13 (1) (d) and 13 (2) of the Indian Penal Code.

Allegedly, petitioner being investigating officer of the case, demanded bribe of Rs. 5,000/- which after verification was found true and the petitioner was caught red handed when he was accepting the bribe amount and handed over the same to Chitranjan Kumar Singh. Chemical test also shown positive result.

Submission is of false implication and that nothing has been recovered from possession of the petitioner. Bribe amount has been recovered from possession of Chitranjan Kumar Singh



who has already been allowed bail by another co-ordinate Bench of this Court vide Criminal Miscellaneous No. 9137 of 2017. Petitioner is suffering in custody since 23.12.2016. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned counsel for vigilance opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Special Case No. 68 of 2016 arising out of Patna Vigilance P.S. Case No. 148 of 2016 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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