

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55916 of 2017

Arising Out of PS.Case No. -71 Year- 2017 Thana -VIGILANCE District- PATNA

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1. Satish Kumar, S/o Bhagwan Singh, Resident of Village- Baray, P.S.- Islampur, District- Nalanda, then A.S.I., Sadar Thana, Hajipur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar Through Vigilance, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 30-11-2017 Heard the counsels for the parties.

The petitioner seeks bail in connection with Special Case No. 32/2017, arising out of Vigilance P.S. Case No. 71 of 2017 dated 06.09.2017 instituted for the offences under Sections 7/8/13(2) read with Sections 13(i)(d) of the Prevention of Corruption Act.

A complaint was made by one Sanjeev Kumar Singh before the Vigilance Department that Sub-inspector Surendra Pandey was demanding Rs. 20,000/- for submitting his report before the Executive Magistrate, who was handling a case relating to the offence under Section 188 of the Indian Penal Code. On such complaint, an enquiry was made by the Vigilance Department and it was ascertained that Surendra Pandey was



asking for bribe. A trap was laid and in the aforesaid trap, apart from Surendra Pandey, the petitioner who is also a Sub-inspector, was arrested for being in possession of the tainted money.

Learned counsel for the petitioner has submitted that the complaint was made against Surendra Pandey and not against him. The preliminary enquiry, which was made on the aforesaid complaint, also does not refer to the name of the petitioner. The petitioner, on the date of the occurrence, had witnessed a commotion in front of the office of Surendra Pandey and therefore, only in his capacity as a subordinate Police Officer, had gone to witness as to what was happened. He claims to have been wrongly dragged in this case.

Learned counsel for the vigilance, on the other hand, has stated that aforesaid Surendra Pandey had instructed the complainant to pay the bribe money to the petitioner. However, the complainant did not pay the amount to him and waited for Surendra Pandey to arrive at the place of occurrence. Later, when Surendra Pandey received the bribe amount, he handed over half of that amount to the petitioner.

Learned counsel for the petitioner submits that all the aforesaid facts are only on paper and only because the petitioner was a sympathizer of co-accused Surendra Pandey, that he had been



made accused in this case.

The petitioner is in custody since 07.09.2017.

Regard being had to the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing 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. 32/2017, arising out of Vigilance P.S. Case No. 71 of 2017.

(Ashutosh Kumar, J.)

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