

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61684 of 2017

Arising out of PS.Case No. -19 Year- 2017 Thana -KIUL RAIL P.S. District- LAKHISARAI

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Arbind Kumar Constable No. 514, S/o Sri Krishna Prasad, Resident of
Village- Amarthia, P.S.- Karakat (Gorari), District- Rohtas.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2017 The petitioner seeks regular bail in connection with

Special Case No. 03 of 2017 / Special Case No. 87 of

2017/3A/2017 arising out of Kiul Rail P.S. Case No. 19 of 2017,

registered for offences punishable under Sections 50/52 of the

Bihar Prohibition and Excise Act, 2016 and subsequently added

Section 13(2) read with Section 13(1)(d) of Prevention of

Corruption Act, 1988.

Allegation against the petitioner is that he is hawaldar in

railway Police and he was taking bribe from the persons who were

alleged to have been caught with illicit liquor and had released

them along with the said illicit liquor after receiving the bribe

money.

It has been submitted by the learned counsel that the

petitioner has been falsely implicated in the present case merely



on the basis of confessional statement of other co-accused persons who were apprehended with the alleged liquor. Further the petitioner does not have any criminal antecedent and he is in custody since 06.11.2017. It is further submitted that the similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court in Criminal Misc. No. 45089 of 2017 on 15.09.2017.

It is pertinent to mention that despite the name of the learned counsel for the Vigilance appearing in the cause list, the learned counsel has failed to appear before this Court despite the matter having been passed over once.

However, the learned A.P.P. has assisted the Court.

Having regard to the facts and circumstances of the case, more particularly the fact that the co-accused have been granted bail by this Court, I deem it fit and appropriate to release the petitioner above named, on regular bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance Ist, Patna in connection with Special Case No. 03 of 2017 / Special Case No. 87 of 2017/3A of 2017 arising out of Kiul Rail P.S. Case No. 19 of 2017 subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property



within the jurisdiction of the concerned Court.

- (ii) It is made clear that if the petitioner again found involved in any of the like offences, in future, prosecution will be free to move for cancellation of his bail bonds.

(Mohit Kumar Shah, J)

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