

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63086 of 2017

Arising Out of PS.Case No. -322 Year- 2016 Thana -BUXAR District- BUXAR

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1. Si. 556 Rakesh Rai @ Rakesh Rai @ Rakesh Kumar Rai, Son of Sri Abhimanyu Rai, resident of Village- Bharauli, P.S.- Narahi, District- Balia (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The D.G. Vigilance, Government of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Manish Kumar No 13 and Rohit Kumar No. 5
For the Opposite Party/s: Mr. Amresh Kumar, AC to Law Officer, Vigilance
Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Buxar Town Police Station Case No. 322 of 2016 registered for offences punishable under sections 223, 224, 384/34 of the Indian Penal Code and section 13 (2) read with 13 (i) (d) of the Prevention of Corruption Act, 1988.

This petitioner was a Police Constable who along with police party raided at the place of gambling and arrested one Rajendra Verma. Allegation is that this petitioner and police party took an amount of Rs.1,90,000/- and released the said accused from the custody. A departmental proceeding was initiated



against the petitioner and other constables and they have been dismissed from service. After dismissal of petitioner, the present case has been lodged.

The contention of the learned counsel for the petitioner is that the petitioner surrendered before the Court below on 08.11.2017 and since then he is in custody having clean antecedent. Further submission is that one of the co-accused namely Jitendra Kumar has been allowed bail by one of the coordinate Bench of this Court in Cr. Misc. No. 61985 of 2017 and the case of petitioner stands on similar footing to the case of co-accused who has been allowed bail so he also deserves bail.

Learned counsel for the Vigilance opposed the submission.

Considering that the case of petitioner on similar footing to the case of co-accused and facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-I, Patna in connection with Buxar Town Police Station Case No. 322 of 2016, 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) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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