

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2919 of 2018

Arising Out of PS.Case No. -553 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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Kumar Vivek, S/o Anand Mohan Singh, R/o Mohan Niwas, near Canada Bhawan, Shivpuri, P.S.- Shastri Nagar, District- Patna and at present posted as Motor Vehicles Inspector , at Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Vigilance Department, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pd. Singh, Sr. Advocate.
Mr. Pawan Kumar Singh, Advocate.

For the Vigilance : Mr. Rama Kant Sharma, Sr. Advocate.
(L.O, I/C Vig.)

Mr. Rabindra Kumar AC to vigilance L/O

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Special Case No. 18 of 2017 arising out of Kishanganj P.S. Case No. 553 of 2017** instituted for the offence under Sections 218, 384, 120(B), 34 of the Indian Penal Code, Sections 7, 13 (2) and 20 of Prevention of Corruption Act.

In the written report it is alleged that informant got confidential information that illegal money is being collected at Kishanganj Check post in the name of entry fees from the truck owners. The informant with other officers reached there and found two persons, one in uniform and others in civil dress. They having



armed with *lathi*, *danda* were collecting money forcibly from the drivers. Two persons were arrested by the police who disclosed their names as Dilip Kumar and Bokaran Lal Das. Dilip Kumar introduced himself to be the private driver of the M.V.I. (petitioner) and another accused introduced himself as Home Guard Constable. The truck drivers and Khalasis alleged before the informant that they have paid Rs.2,000/- in the name of inter-state entrée fees. Both the arrested accused persons stated before the informant that they have been collecting money on the order of M.V.I. (petitioner.) It is further alleged that one briefcase of brown colour was found in which Rs.43,540/- cash along with receipt of Transport Department, Government of Bihar, were found which were seized by the police. Besides this, Mobile Phones of Dilip Kumar and Bokaran Lal Das were also seized. It is further alleged that from comparison of the receipt, the informant found that receipts have been issued for amount of Rs.35,100/- out of Rs.43,540/- found in the bag. As such, it was suspected that Rs.8,500/- was found in excess which was illegally collected by the accused persons.

Learned counsel for the petitioner has submitted that petitioner is Motor vehicle Inspector. He was not present on the spot.



Learned counsel for the petitioner has submitted in the supplementary affidavit that some extra money was kept as liquid money for returning to the persons concerned as change. The extra money was kept only for exchange. The alleged money was collected by two persons who have been arrested by the police. It is mentioned in the written report itself that money receipts seized by the police shows that tax has been collected by those persons.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Special Case No. 18 of 2017 arising out of Kishanganj P.S. Case No. 553 of 2017**, he shall be released on anticipatory 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-II, Patna**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if



petitioner tampers with the evidence or the witnesses of the case,
in that case, prosecution will be at liberty to move for cancellation
of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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