

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4126 of 2018

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

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Lallan Ram @ Lallan Ram Hawaldar @ Lalan Paswan, S/o Late Bhikhari Ram, R/o Village- Binwaliya, Areraj, P.S.- Govindganj, District- East Champaran.

.... Petitioner

Versus

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

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sangeet Deokuliar, Advocate.

For the Opposite Party : Mr. Ramakant Sharma (L.O.,Inc.Vigi.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned counsel for the opposite party.

The petitioner is languishing in custody since 30.10.2017 in a case for the offence registered under Sections 50, 52 of the Bihar Prohibition and Excise Act, 2016 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act.

The prosecution story, in brief, is that the petitioner being a constable in Railway after taking the bribe from the persons, who were alleged to have been caught with illicit liquor, released them with the said liquor.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent.



Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case by one Shambhu Thathera and Yatish Kumar due to local enmity who are accused in Kiul Rail P.S. Case No. 247 of 2016. In the said case, liquor is alleged to have been recovered from their possession but due to save their skin, they taken the name of local constables and officers in the present case. The petitioner is a government employee. Other co-accused persons have been granted bail by another Co-ordinate Benches of this Court vide Cr. Misc. Nos. 45089 of 2017 dated 15.09.2017, 61684 of 2017 dated 21.12.2017 and 58806 of 2017 dated 22.12.2017. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Special Judge,
Vigilance-Ist, Patna in connection with Special Case No. 87 of
2017, arising out of Kiul Rail P.S. Case No. 19 of 2017.

U.K./-

(Sudhir Singh, J)

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