

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42923 of 2018

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1. Shankar Singh, S/o Late Bigan Singh, R/o Vill.- Chikai, P.S.- Daltanganj, Distt.- Amui (Jharkhand) Presently Posted at ASI P.S.- Kachwa , P.S.- Kachwa, District- Rohtas.
 2. Parsuram Paswan S/o Late Bahadur Paswan, R/o Vill.- Laxmipur , P.S.- Pipayti Distt.- Bhagalpur, presently posted at Constable 830, P.S.- Kachwa, P.S.- Kochwa, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through the Vigilance.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangiv Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Kachwa P.S.Case No. 29 of 2018 registered under Sections 384, 386, 504 & 506 of the Indian Penal Code and Section 7 of Prevention of Corruption Act, 1988.

It is submitted by the learned counsel for the petitioners that save and except wild suspicion and hypothetical presumption, there is no other material to connect the petitioners with the alleged offence. He submitted that neither the truck driver has come forward to make any complaint against the petitioners



nor any other person has alleged that the petitioners had demanded any illegal gratification. There is also no recovery of any incriminating articles from the possession of the petitioners. The informant has instituted this case only on the basis of whatsapp message received on his mobile phone. Even the source of whatsapp message is not known. It is also not known as to who circulated the message through whatsapp and on such vague allegation the implication of the petitioner is highly malicious. It is further contended that no police officer below the rank of the Deputy Superintendent of Police or a police officer of equivalent rank is authorized to investigate any offence punishable under the Prevention of Corruption Act, 1988 and the informant, who is also officer-in-charge of the police station, has entrusted the investigation of the case to a police officer of the rank of an Inspector.

On the other hand, learned counsel for the State submitted that the whatsapp message was received by the officer-in-charge of the police station and on going through the same he instituted the case as the same reflected that the petitioner no. 2 was receiving something from the truck driver and was keeping the same in his pocket.

Having regard to the nature of allegation and the



submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Vigilance, 1st Patna in connection with Kachwa P.S.Case No. 29 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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