

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20608 of 2018

Arising Out of PS.Case No. -39 Year- 2018 Thana -PATNA GRP CASE District- PATNA

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Rupesh Kumar Rai son of Late Amrendra Kumar Rai Resident of Village - Jagatpur, P.S. - Banka, District - Banka at present Sr. Booking Clerk, posted at Rajendra Nagar Terminal, District - Patna.

.... Petitioner/s

Versus

The State of Bihar through the Secretary Department of Vigilance, Govt. of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Choubey, Sr. Adv. Mr. Prashant Kumar, Adv. Mr. Dineshwar Pandey, Adv. Mr. Animesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Kedar Singh, Assistant Counsel to Mr. Rama Kant Sharma(L.O.,Inc., Vigilance)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 07-05-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is in custody since 10.02.2018 in connection with Patna (Rajendra Nagar Terminal) G.R. P.S. Case NO. 39 of 2018 for the offence registered under Sections 420, 467, 468 and 409 of the Indian Penal Code and Sections 7, 8 and 9 of the Prevention of Corruption Act, 1988

Learned Senior Counsel for the petitioner submits that on the basis of written report by the Chief Ticket Inspector, New Delhi, it has been detected that certain tickets were sold to two passengers which were not in order and the tickets which had been



sold for Rs. 10 had subsequently, been converted into tickets for traveling between Rajendra Nagar Terminal to New Delhi Railway Station. It is further submitted that the said tickets have been issued from Counter No. 4 of Rajendra Nagar Terminal where the petitioner was assigned the duty of issuing tickets. It is further submitted that actually no case against the present petitioner has been made out, as the tickets which have allegedly been issued from Rajendra Nagar Terminal to New Delhi, in fact, the same were issued from Rajendra Nagar to Danapur for an amount of Rs. 10 and, therefore, apparently, no attempt was made by the petitioner to issue wrong tickets, which were actually fabricated by some means. It is further submitted that the Detailed Transaction Checklist which is also annexed with the FIR reveals that the two transactions of the ticket number referred to in the FIR were issued not from booking counter no. 4 but from booking counter no. 7. It is further submitted that in fact, the authorities superior to the petitioner has given a certificate that the petitioner had functioned at booking counter no. 4 on the said date from 8:00 hours to 16:00 hours and, therefore, the allegation against the petitioner is wholly on the basis of suspicion and no case is made out against him, as he had never operated from booking counter no. 7. It is, thus, submitted that the petitioner



may be released on bail, as there is clear misconception on the part of the prosecuting agency with regard to the role of the petitioner.

Learned counsel for the Vigilance has also submitted that the petitioner is involved in issuance of fake tickets from Rajendra Nagar Terminal and the persons, who were present at the place, identified the persons to whom the said tickets were issued. However, such identification is also subject to further verification as it has been seen from the Detailed Transaction Checklist that in fact, the tickets were issued from booking counter no. 7 and not from booking counter no. 4, as alleged.

Considering the aforesaid facts and circumstances of the case and being the serious cloud on the prosecution story, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance-I, Patna in connection with Special Case No. 7 of 2018 arising out of Patna (Rajendra Nagar Terminal) G.R.P.S. Case No. 39 of 2018, subject to the following conditions :-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge



himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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