

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7362 of 2019

Arising Out of PS. Case No.-26 Year-2018 Thana- MAIGRA District- Gaya

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Dharmendra Kumar @ Dhamendra Kumar, aged 24 years, Male, S/o
Baleshwar Sao, Resident of Village - Bara, P.S- Bodh Gaya, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar through Vigilance

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava

For the Opposite Party/s : Mr.Anjani Kumar (L.O.Inc.Vigi.)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-02-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 51 of 2018 arising out of Maigra P.S. Case No.
26 of 2018 registered for the offence punishable under Sections
420, 384/34 of the Indian Penal Code and Sections 7, 8, 9 and
13(1) (d) read with Section 13(2) of the Prevention of Corruption
Act.

The allegation is that while the complainant was on
patrolling duty, he received secret information that the petitioner
herein, who is said to be the driver of the C.D.P.O., Imamganj and
other co-accused persons, were trying to illegally realize money
from Anganbari Sewika near Magadh Gramin Bank whereupon
the complainant is said to have reached at the said place of
occurrence and recovered a sum of Rs. 16,000/- and the petitioner



is said to have disclosed that he along with the co-accused namely Anant Kumar Singh was realizing the money.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and as far as P.C. Act is concerned, the provisions of the said Act is not applicable in the case of the petitioner since the petitioner is not a public servant. It is further submitted that the petitioner is having a clean antecedent and since he is admittedly the driver of the C.D.P.O., Imamganj, hence the offence as alleged is not attributable to him. Lastly, it is submitted that the petitioner is languishing in custody since 13.10.2018.

Per contra, the learned counsel for the Vigilance has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-1st, Patna in connection with Special Case No. 51 of 2018 arising out of Maigra P.S. Case No. 26 of 2018.

(Mohit Kumar Shah, J)

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