

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11319 of 2019**

Arising Out of PS. Case No.-40 Year-2018 Thana- VIGILANCE District- Patna

RAKESH KUMAR age-43 years, Gender-Male, Son of Sri Jaiprakash Narain
Ambasth Resident of - Lala Tola, Purani Bazaar, P.S.- Jhajha , District-Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH VIGILANCE, PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 26-02-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Vigilance P.S. Case No. 40 of 2018, registered for the offence
punishable under Sections 7(a) of the Prevention of
Corruption Act.

The allegation is regarding the petitioner having
been caught while a sum of Rs. 30,000/- was being handed
over to co-accused, namely, Md. Sultan Akhtar and the same
was then handed over to the petitioner for counting purpose.
The petitioner is stated to be a Data Entry Operator and not a
government servant.

The learned counsel for the petitioner submits that
in any view of the matter, the provisions of the P.C. Act



would not apply in the present case inasmuch as the petitioner is not a government servant. It is further submitted that the petitioner is in custody since 15.09.2018 i.e. since about five months, hence, even otherwise, he is entitled for the privilege of regular bail. It is further submitted that the petitioner is having a clean antecedent.

The learned counsel for the Vigilance has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance II, Patna in connection with Vigilance P.S. Case No. 40 of 2018.

(Mohit Kumar Shah, J)

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