

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20853 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- C.B.I CASE District- Muzaffarpur

Shiv Kumar, aged about 49 (Male), son of Late Ramanand Prasad, Resident of Village/Mohalla-Thawe Bazar, P.S-Thawe, District-Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR ,THROUGH VIGILANCE Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

Mr.Shashank Shekhar
Mr. Ajay Kumar Thakur
Mr. Maly Kr.Chaudhary
Mr. Udbhav

For the Opposite Party/s :

Mr.Anjani Kumar(L.O.Inc.Vigilance,Bihar,Patna)
Mr. Sanjay Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is languishing in custody since 21.01.2019 in a trap case conducted by Vigilance Investigation Bureau in connection with Vigilance P.S. Case No.5 of 2019 registered for the offences punishable under Section 7(a) of the Prevention of Corruption Act, 1988 (Amended 2918).

The prosecution case is that one Sheo Shankar made a complain to Vigilance P.S., Patna on 12.01.2019 to the effect that his co-villagers, Dipu Yadav, Sonu Sivastava and others misbehaved and assaulted the mother of the informant on 27.11.2018, leading to registration of Babubarhi P.S. Case No.246 of 2018 for the offences punishable under Section 341, 323, 354 (B), 448, 504, 506/34 of



IPC. But during investigation, the petitioner, being the police inspector maliciously did not find case true under Section 354(B) of IPC, as a result, all the accused persons were granted bail. Consequently, all the accused person encroached the informant's land. Again on 5.1.2019, accused persons assaulted the mother of the informant, leading to registration of Babubarhi P.S. Case No.5 of 2019 with accusation for the offences punishable under Sections 341, 323, 379, 427, 506, 354(B), 504/34 of the IPC. During pendency of the complainant made the petition on 10.01.2019 along with his mother then the petitioner demanded Rs.10,000/- for submittin final report by making the case true under Section 354 (B) of the IPC. Consequently, on verification, a complaint was made on 19.01.2019 by Satish Kumar Singh, Sub Inspector of Police,Vigilance Investigation Bureau, to the effect that during verification, the petitioner demanded initially Rs.25,000/- and thereafter, came down to Rs.20,000/- and lastly agreed to work for Rs.15000/-. Ultimately, a trap was laid and the petitioner was trapped on 20.01.2019 while accepting bribe of Rs.15,000/- on 20.01.2019.

It is submitted by learned counsel for the petitioner that initially complainant alleged that the petitioner awarded of rupees 10,000/- but during verification, the amount of bribe got increased. The petitioner never demanded bribe. The inconsistency between



pre trap and post trap memo suggests that the whole design was to implicate the petitioner in a trap case. The money was forcefully thrust upon the petitioner. It is further submitted that the petitioner is not having any criminal antecedent, statement to that effect has been made in paragraph no.3 of the bail application. In the background of land dispute between the accused person and the complainant, the petitioner has been roped in this case.

Learned counsel for the Vigilance submits that the petitioner was trapped and the finger of the petitioner turned pink on deeping in the Sodiam Carbonate solution. Hence, it is well proved case of trap.

Considering the nature of accusation, the investigation being already concluded and the fact that petitioner is not having any criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Vigilance), North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No.5 of 2019.

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(Dinesh Kumar Singh, J)

